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LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

1985

Convened October 17, 1985 **Adjourned November 15, 1985**

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

OFFICERS OF THE LEGISLATURE

Donald F. McGinley, (Lt. Governor), President ..... Lincoln
William E. Nichol, Speaker ..... Scottsbluff
Patrick J. O'Donnell, Clerk ..... Lincoln
Richard Brown, Assistant Clerk ..... Lincoln
Robert E. Palmer, Chaplain Coordinator ..... Lincoln
Lottie Henderson, Mail Room Supervisor ..... Lincoln
Norman J. Hubertus, Sergeant at Arms ..... Lincoln

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Chris Beutler, Lincoln ..... Chairperson
Shirley Marsh, Lincoln ..... Vice Chairperson
William E. Nichol, Scottsbluff ..... Speaker
William Barrett, Lexington ..... Member-at-large
Ernie Chambers, Omaha ..... Member-at-large
John W. DeCamp, Neligh ..... Member-at-large
Patricia S. Morehead, Beatrice ..... Member-at-large
Carol McBride Pirsch, Omaha ..... Member-at-large
Loran Schmit, Bellwood ..... Member-at-large
Jerome Warner, Waverly ..... Ex officio member

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..... Mary Sommermeyer

FISCAL ANALYST
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OMBUDSMAN
..... Marshall Lux

RESEARCH
..... Dick Hargesheimer

JOURNAL CLERKS
..... Janet Arps
..... Vicki Buck
..... Mary Rasmussen
..... Leona Shields

LEGISLATURE

MEMBERS

Dist.	Name	Address	Occupation	Counties
1	R. Wiley Remmers	Auburn	Farmer	Johnson, Nemaha, Otoe*, Pawnee, Richardson
2	Calvin F. Carsten	Avoca	Retired Farmer	Cass, Otoe*
3	Emil E. Beyer, Jr.	Gretna	Real Estate Investor	Sarpy*, Douglas*
4	Gary E. Hannibal	Omaha	Contractor	Douglas*
5	Bernice Labedz	Omaha	State Senator	Douglas*
6	Peter Hoagland	Omaha	Attorney	Douglas*
7	Timothy J. Hall	Omaha	Development Director U.C.S.S. (United Catholic Social Services)	Douglas*
8	Vard R. Johnson	Omaha	Attorney	Douglas*
9	Marge Higgins	Omaha	State Senator	Douglas*
10	Carol McBride Pirsch	Omaha	Community Relations Supervisor	Douglas*
11	Ernie Chambers	Omaha	Barber	Douglas*
12	Chris Abboud	Ralston	Attorney	Douglas*
13	Daniel C. Lynch	Omaha	Vice President, Consumer Affairs, Blue Cross/ Blue Shield of NE	Douglas*
14	Ron Withem	Papillion	Executive Director MCAO	Sarpy*
15	Lowell C. Johnson	North Bend	Retired Engineer/ Farmer/Businessman	Dodge*

Dist.	Name	Address	Occupation	Counties
16	James E. Goll	Tekamah	President-Tekamah Motors, Inc.	Burt, Cuming*, Thurston, Washington
17	Gerald A. Conway	Wayne	Finance Professor/ Consultant	Dakota, Dixon, Wayne*
18	Harry B. Chronister	Schuyler	Agri-Business	Colfax, Cuming*, Dodge*, Stanton
19	Elroy M. Hefner	Coleridge	Businessman	Cedar, Knox, Pierce, Wayne*
20	Glenn A. Goodrich	Omaha	Electrical Contractor	Douglas*
21	Richard Peterson	Norfolk	Farmer/Beekeeper/ Businessman	Madison
22	Lee Rupp	Monroe	Public Relations/ Ag. Real Estate	Boone*, Nance, Platte*
23	Loran Schmit	Bellwood	Farmer	Butler, Platte*, Saunders
24	Harold F. Sieck	Pleasant Dale	Farmer	Polk*, Seward, York
25	Jerome Warner	Waverly	Livestock/Farming	Lancaster*
26	Don Wesely	Lincoln	Businessman	Lancaster*
27	Bill Harris	Lincoln	Oil Exploration	Lancaster*
28	Chris Beutler	Lincoln	Attorney/President of Beutler Title	Lancaster*
29	Shirley Marsh	Lincoln	State Senator	Lancaster*
30	Patricia S. Morehead	Beatrice	Homemaker/ State Senator	Gage, Jefferson*
31	Jerry Chizek	Omaha	Manager, Public Affairs	Douglas*
32	Donald Eret	Dorchester	Farmer	Fillmore, Jefferson*, Saline, Thayer
33	Jacklyn Smith	Hastings	Public Relations	Adams
34	Rod Johnson	Sutton	Farming/Cattle Feeding	Clay, Hall*, Hamilton, Merrick, Polk*
35	Arlene Nelson	Grand Island	Agri-Bookkeeper	Hall*
36	Ray E. Lundy	Kearney	Retired City Manager	Buffalo*, Hall*
37	Jerry D. Miller	Davenport	Farmer	Buffalo*, Franklin, Kearney, Nuckolls, Webster

Dist.	Name	Address	Occupation	Counties
38	Tom Vickers	Farnam	Farmer/Rancher	Frontier, Furnas, Gosper, Harlan, Lincoln*, Red Willow
39	William E. Barrett	Lexington	Real Estate/Insurance	Dawson, Phelps
40	John W. DeCamp	Neligh	Attorney/Real Estate Broker & Developer	Antelope, Boone*, Boyd, Holt
41	Carson H. Rogers	Ord	Hog Farmer	Custer*, Garfield, Greeley, Hall*, Howard, Loup, Sherman, Valley, Wheeler
42	James E. Pappas	North Platte	Consultant	Lincoln*
43	Howard A. Lamb	Anselmo	Rancher	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Rex Haberman	Imperial	State Senator	Arthur, Chase, Deuel, Dundy, Grant, Hayes, Hitchcock, Keith, Lincoln*, Perkins
45	D. Paul Hartnett	Bellevue	College Professor	Sarpy*
46	David Landis	Lincoln	Teacher/State Senator	Lancaster*
47	Dennis Baack	Dix	Farmer	Banner, Cheyenne, Garden, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol	Scottsbluff	Retired	Scotts Bluff*
49	Sandra K. Scofield	Chadron	Career Counselor/ Consultant/Farmer	Box Butte, Dawes, Sheridan, Sioux

Clerk

Patrick J. O'Donnell . . . . . Lincoln

RULES OF THE LEGISLATURE

Rules in effect at the commencement of the Eighty-Ninth Legislature, Second Special Session, 1985, are the same rules in effect at the commencement of the Eighty-Ninth Legislature, Second Session, 1986.

FIRST DAY - OCTOBER 17, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, October 17, 1985

Pursuant to a proclamation by His Excellency, Robert Kerrey, Governor of the State of Nebraska, the Eighty-Ninth Legislature, Second Special Session assembled in the West Legislative Chamber of the State Capitol, at the hour of 2:00 p.m., Thursday, October 17, 1985, and was called to order by Speaker Nichol.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris	Goodrich, Glenn A.	Lamb, Howard A.
Baack, Dennis	Haberman, Rex	Landis, David
Barrett, William E.	Hall, Tim	Lundy, Ray E.
Beutler, Chris	Harris, Bill	Lynch, Daniel
Chambers, Ernie	Hartnett, D. Paul	Marsh, Shirley
Chizek, Jerry	Hefner, Elroy M.	Miller, Jerry D.
Chronister, Harry B.	Higgins, Marge	Morehead, Patricia S.
Conway, Gerald A.	Johnson, Lowell C.	Nelson, Arlene B.
DeCamp, John W.	Johnson, Rod	Nichol, William E.
Eret, Don	Johnson, Vard	Pappas, James E.
Goll, James E.	Labedz, Bernice	Peterson, Richard

Pirsch, Carol McBride	Schmit, Loran	Vickers, Tom
Remmers, R. Wiley	Scofield, Sandra	Warner, Jerome
Rogers, Carson	Sieck, Harold F.	Wesely, Donald
Rupp, Lee		

Messrs. Beyer, Hannibal, and Hoagland were excused; and Messrs. Carsten, Withem, and Mrs. Smith were excused until they arrive.

DECLARATION

Members of the Legislature:

Pursuant to a proclamation issued by the Honorable Robert Kerrey, Governor of Nebraska, we are here and now assembled in the 89th Legislature, 2nd Special Session of the Nebraska Legislature. I, as Speaker, declare that we are now open for the transaction of business.

(Signed) William E. Nichol,
Speaker

PROCLAMATION

BY VIRTUE OF THE AUTHORITY VESTED in the Governor by Article IV, Section 8, of the Constitution of the State of Nebraska, I, Robert Kerrey, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, DO HEREBY CALL the Legislature of Nebraska to convene in extraordinary session at the State Capitol on October 17, 1985, at 2:00 p.m., for the purpose of considering and enacting legislation relating to the following subjects:

1. Reduce appropriations approved by the 89th Legislature, 1st Session;
2. Increase the Drivers Record Abstract fee.
3. Deposit a portion of the sales tax on motor vehicles in the General Fund.
4. Increase the State Cigarette tax.
5. Conform State laws with the "Child Support Enforcement Amendments of 1984" as mandated by Public Law 98-378.
6. Reduce or eliminate Fiscal Year 1986-87 budget obligations.
7. Provide permissive authority for political subdivisions to create group insurance pools.
8. Provide for a maximum dollar amount to limit the liability of political subdivisions subject to the Political Subdivisions Tort Claims Act.

9. Provide for the elimination of selected exemptions from the State Sales Tax.

I direct that members of the Legislature of the State of Nebraska be notified of the convening of this extraordinary session by delivering to each of them a copy of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this 15th day of October, 1985.

(Signed) ROBERT KERREY
Governor

(SEAL)
Attest:

Ralph Englert
Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached represents a true and correct roster of members of the Nebraska Unicameral Legislature serving in the Eighty-ninth Legislature, Second Extraordinary (Special) Session, called by the Governor to commence on October 17, 1985.

Further, I hereby certify that all members whose names appear on the roster with the district designation have been duly elected or appointed to serve as a member of the Legislature in the Eighty-ninth Legislature, Second Extraordinary (Special) Session.

Finally, I hereby certify that all election or appointment records are a matter of public record in the office of Secretary of State.

Further, I saith not.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of October in the year of our Lord, one thousand nine hundred and eighty-five.

(SEAL)

Allen J. Beermann,
Secretary of State
Ralph Englert,
Deputy

1	R. Wiley Remmers	November 6, 1984
2	Calvin F. Carsten	November 2, 1982
3	Emil E. Beyer, Jr.	November 6, 1984
4	Gary E. Hannibal	November 2, 1982
5	Bernice Labedz	November 6, 1984
6	Peter Hoagland	November 2, 1982
7	*Tim Hall (Appointed, Elected)	November 6, 1984
8	Vard R. Johnson	November 2, 1982
9	Marge Higgins	November 6, 1984
10	Carol McBride Pirsch	November 2, 1982
11	Ernie Chambers	November 6, 1984
12	Chris Abboud	November 2, 1982
13	Dan Lynch	November 6, 1984
14	**Ron Withem (Appointed, Elected)	November 6, 1984
15	Lowell C. Johnson	November 6, 1984
16	James E. Goll	November 2, 1982
17	Gerald Conway	November 6, 1984
18	Harry B. Chronister	November 2, 1982
19	Elroy M. Hefner	November 6, 1984
20	Glenn A. Goodrich	November 2, 1982
21	Richard Peterson	November 6, 1984
22	Lee Rupp	November 2, 1982
23	Loran Schmit	November 6, 1984
24	Harold F. Sieck	November 2, 1982
25	Jerome Warner	November 6, 1984
26	Don Wesely	November 2, 1982
27	***Bill Harris (Appointed, Elected)	November 6, 1984
28	Chris Beutler	November 2, 1982
29	Shirley Marsh	November 6, 1984
30	Patricia S. Morehead	November 2, 1982
31	****Jerry Chizek (Appointed, Elected)	November 6, 1984
32	Don Eret	November 2, 1982
33	Jacklyn J. Smith	November 6, 1984
34	Rod Johnson	November 2, 1982
35	Arlene Nelson	November 6, 1984
36	Ray E. Lundy	November 2, 1982
37	*****Jerry D. Miller (Appointed, Elected)	November 6, 1984
38	Tom Vickers	November 2, 1982
39	William E. Barrett	November 6, 1984
40	John W. DeCamp	November 2, 1982

41	Carson H. Rogers	November 6, 1984
42	James E. Pappas	November 2, 1982
43	Howard A. Lamb	November 6, 1984
44	Rex Haberman	November 2, 1982
45	D. Paul Hartnett	November 6, 1984
46	David M. Landis	November 2, 1982
47	Dennis Baack	November 6, 1984
48	William E. Nichol	November 2, 1982
49	******Sandra K. Scofield (Appt., Elected)	November 6, 1984

*Appointed August 9, 1984 to complete term of Karen Kilgarin, resigned.
**Appointed March 30, 1983 to succeed Thomas D. Doyle, resigned.
***Appointed May 27, 1983 to succeed Steve Fowler, resigned.
****Appointed December 4, 1984 to succeed Gordon McDonald, resigned.
*****Appointed November 9, 1984 to succeed Martin F. Kahle, deceased.
******Appointed November 21, 1983 to succeed Samuel Cullan, resigned.

MOTION - Election of Officers

Mr. Warner moved that the following officers be elected to serve for the Eighty-Ninth Legislature, Second Special Session:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard Brown
Chaplain Coordinator	Dr. Robert E. Palmer

The motion prevailed.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1985, LB 722, sections 1 to 16, 18, 19, 21 to 27, 29 to 33, 35, 41, 43 to 48, 51, 52, 60, 61, 63, 65 to 68, 71 to 74, 76 to 80, and 82; to reduce appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 2. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Supplement, 1984; to change the computation of a credit to the Highway Allocation Fund; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 3. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2602, 77-2602.03, and 77-2608, Revised Statutes Supplement, 1985, and Laws 1985, LB 653A, section 4; to change the cigarette tax; to change provisions relating to collection and distribution of the tax; to change the wholesale discount amount; to change an operative date; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 4. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943; to increase the fee for a driving record abstract; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 5. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-409, 60-409.04, 60-409.12, and 60-2116, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the allocation of certain fees; to eliminate a provision relating to the apportionment of funds for driver education; to eliminate certain requirements for driver education instructors; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 60-409.02 and 60-409.03, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 6. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3509.01, 77-3509.02, 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1984; to eliminate an exemption; to eliminate certain requirements for property tax statements; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 77-3516.01, Revised Statutes Supplement, 1984, and section 77-3506.01, Revised Statutes Supplement, 1985; and to declare an emergency.

LEGISLATIVE BILL 7. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to children; to amend sections 42-347, 42-348, 42-358, 42-358.02, 42-358.05 to 42-358.08, 42-364.13, 42-371, 42-821, 43-512 to 43-512.03, 43-512.05 to 43-512.08, 43-512.10, 43-1406, and 43-1411, Reissue Revised Statutes of Nebraska, 1943, section 77-27,161, Revised Statutes Supplement, 1984, and sections 42-364, 43-2,113, and 48-647, Revised Statutes Supplement, 1985; to state intent; to provide for the use of masters in matters relating to support and visitation; to define and redefine terms; to change provisions relating to the establishment, collection, and enforcement of support for children; to provide powers and duties; to provide for liens on certain real and personal property; to adopt the Income Withholding for Child Support Act; to change fee provisions; to extend the time for filing a paternity action; to provide for the sharing of certain funds; to harmonize provisions; to eliminate provisions relating to the withholding and transmittal of earnings; to provide operative dates; to repeal the original sections, and also sections 42-364.01 to 42-364.12 and 42-364.14, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 8. By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the year ending June 30, 1986; to recite limitations on expenditures; to create a fund; to provide an operative date; to repeal Laws 1985, LB 722, Laws 1984, LB 286A, Laws 1984, LB 403A, Laws 1984, LB 416A, Laws 1984, LB 457A, Laws 1984, LB 466A, Laws 1984, LB 470A, Laws 1984, LB 477A, Laws 1984, LB 478A, Laws 1984, LB 516A, Laws 1984, LB 724A, Laws 1984, LB 751A, Laws 1984, LB 761A, Laws 1984, LB 767A, Laws 1984, LB 801A, Laws 1984, LB 825A, Laws 1984, LB 832A, Laws 1984, LB 833A, Laws 1984, LB 835A, Laws 1984, LB 845A, Laws 1984, LB 848A, Laws 1984, LB 880A, Laws 1984, LB 930A, Laws 1984, LB 931A, Laws 1984, LB

970A, Laws 1984, LB 976A, Laws 1984, LB 981A, Laws 1984, LB 990A, Laws 1984, LB 991A, Laws 1984, LB 994A, Laws 1984, LB 1001A, Laws 1984, LB 1089A, Laws 1984, LB 1106A, Laws 1984, LB 1125A, Laws 1984, LB 1126A, and Laws 1984, LB 1127A; and to declare an emergency.

LEGISLATIVE BILL 9. By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction projects; to provide an operative date; to repeal Laws 1985, LB 723, Laws 1984, LB 867, and Laws 1984, LB 1129, sections 18, 21, 26, 27, 29, 30, 37, 43, 44, 45, and 46; and to declare an emergency.

LEGISLATIVE BILL 10. By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Revised Statutes Supplement, 1984; to change the income tax rate; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 11. By Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Revised Statutes Supplement, 1984; to change the income tax rate; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 12. By Abboud, 12th District.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 77-2602, Revised Statutes Supplement, 1985; to transfer funds; to eliminate the Cash Reserve Fund; to harmonize provisions; to repeal the original section, and also sections 84-613, 84-614, 77-2715.04, and 77-2715.05, Revised Statutes Supplement, 1984, and section 84-612, Revised Statutes Supplement, 1985; and to declare an emergency.

LEGISLATIVE BILL 13. By Hefner, 19th District.

A BILL FOR AN ACT relating to sales; to provide for use tax permits for certain sellers; to provide for certain sellers to provide a list to the Tax Commissioner as prescribed; to provide for jurisdiction and service of process; to prohibit certain court actions as prescribed; to provide an exception; to provide an operative date; and to declare

an emergency.

LEGISLATIVE BILL 14. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District; and Hartnett, 45th District.

A BILL FOR AN ACT relating to political subdivisions; to amend section 23-2420, Reissue Revised Statutes of Nebraska, 1943; to adopt the Political Subdivisions Group Self-insurance Pool Act; to limit liability under the Political Subdivisions Tort Claims Act; to repeal the original section; and to declare an emergency.

MESSAGES FROM THE GOVERNOR

September 26, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Educational Lands and Funds requiring legislative confirmation:

Appointee:
Randy Bruns, Box 9, Chappell, NE 69129, (308) 874-3276, Term: 10/1/85 to 10/1/90, Succeeds: is reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Board of Educational Lands and Funds

September 26, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Foster Care Review Board requiring legislative confirmation:

Appointee:
Loretta Harral McNally, 631 South 32nd Avenue, Omaha, NE 68105, 444-5000(o), Term: 9/25/85 to 7/15/88, Succeeds: Mary Jeanne Adams, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Foster Care Review Board

September 27, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Trustees of the Nebraska State Colleges requiring legislative confirmation:

Appointee:
Celia Ann LaGreca, 4751 South 83rd Street #46, Omaha, NE 68127, 393-1800(o), Term: 9/27/85 to 1/1/91, Succeeds: Gretchen Reeder, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
State College Board

ATTORNEY GENERAL'S OPINION

Opinion No. 133
September 24, 1985

Re: Tractor Engine Testing

Dear Senator Haberman:

In order to determine whether or not any changes are needed in the tractor engine testing statutes, Neb.Rev.Stat. §§2-2701 to 2-2713 (Reissue 1983), you have asked if, in their present form, they violate the Commerce Clause, Article I, Section 8, of the United States Constitution.

The tractor engine testing statutes, which require the testing of tractor engines before issuance of a permit for their sale in the state, were originally adopted in 1919, and it appears that the only substantive change in the statutes has been the transfer of jurisdiction over issuance of the permits from the Railway Commission to the Department of Agriculture.

By its terms, the Commerce Clause grants Congress the power to regulate commerce among the several states. Long ago it was settled that even in the absence of a congressional exercise of this power, the Commerce Clause prevents the states from erecting barriers to the free flow of interstate commerce, Cooley v. Board of Wardens, 12 How. 299, 13 L.Ed. 996 (1852). At the same time, however, much state litigation, designed to serve legitimate state interests and applied without discrimination against interstate commerce, does not violate the Commerce Clause even though it affects commerce.

In Pike v. Bruce Church, Inc., 397 U.S. 137, 25 L.Ed.2d 174, 90 S.Ct. 844 (1970) the United States Supreme Court said:

> Although the criteria for determining the validity of state statutes affecting interstate commerce have been variously stated, the general rule that emerges can be phrased as follows: Where the

statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. If a legitimate local purpose is found, then the question becomes one of degree. And the extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities.

This rule was reaffirmed in Raymond Motor Transportation, Inc. v. Rice, 434 U.S. 429, 54 L.Ed.2d 664, 98 S.Ct. 787, where the court also said that it (the court) has been most reluctant to invalidate under the Commerce Clause legislation where the propriety of such regulation has long been recognized, and that those who would challenge such regulations must overcome a strong presumption of their validity.

In view of the fact that the tractor testing statutes have been in force and unchallenged since 1919, it is our conclusion that they do not violate the Commerce Clause of the United States Constitution, and that the presumption of their constitutionality can be overcome only by facts which would indicate that its provisions are discriminatory, do not promote legitimate state interests, and do not produce benefits that would outweigh the burden placed on interstate commerce.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 15. By Peterson, 21st District; Haberman, 44th District; Nichol, 48th District; Hefner, 19th District; Lamb, 43rd District; Remmers, 1st District; Barrett, 39th District; R. Johnson, 34th District; Rupp, 22nd District; Morehead, 30th District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2702, Revised Statutes Supplement, 1985; to provide a

definition; and to repeal the original section.

LEGISLATIVE BILL 16. By Labedz, 5th District.

A BILL FOR AN ACT relating to lotteries; to amend sections 2-219, 14-102, 15-258, 16-226, 17-120, 49-1422, and 77-3001, Reissue Revised Statutes of Nebraska, 1943, sections 28-1101 and 28-1113, Revised Statutes Supplement, 1984, and sections 9-173, 28-101, and 28-1105, Revised Statutes Supplement, 1985; to adopt the State Lottery Act; to provide a termination date for the Nebraska Bingo and Lottery Control Act; to harmonize provisions; and to repeal the original sections, and also sections 9-127, 9-129, 9-135, 9-139, 9-140, 9-140.10, 9-151, 9-152, 9-155, 9-162, 9-167, 9-175, and 9-176, Reissue Revised Statutes of Nebraska, 1943, sections 9-128, 9-132, 9-133, 9-134, 9-136, 9-137, 9-138, 9-140.02 to 9-140.06, 9-140.11, 9-140.12, 9-141, 9-142, 9-143, 9-144, 9-147, 9-149, 9-150, 9-154, 9-156 to 9-161, 9-163 to 9-166, 9-168, 9-169, 9-171, 9-172, 9-174, 9-177, 9-178, 9-181, 9-182, 9-190 to 9-199, and 28-1115 to 28-1116.02, Revised Statutes Supplement, 1984, and sections 9-124, 9-125, 9-126, 9-140.01, 9-140.07, 9-140.08, 9-140.09, 9-140.13 to 9-140.16, 9-143.01 to 9-143.06, 9-145, 9-146, 9-148, 9-153, 9-170, 9-173 as amended by section 25 of this act, 9-178.01, 9-179, 9-183 to 9-189, and 9-199.01, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 17. By Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Supplement, 1984; to delete a credit to the Highway Allocation Fund; to provide an operative date; to repeal the original section; and to declare an emergency.

ADJOURNMENT

At 2:33 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Friday, October, 18, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - OCTOBER 18, 1985

LEGISLATIVE JOURNAL

SECOND DAY - OCTOBER 18, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, October 18, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Beyer, Hall, and Hannibal who were excused; and Messrs. Carsten, Chambers, Conway, Hoagland, V. Johnson, Landis, Schmit, Vickers, Warner, Wesely, Withem, Mesdames Labedz, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1 - 17 and Governor appointments.

LB	Committee
1	Appropriations
2	Revenue
3	Revenue
4	Public Works

5	Education
6	Revenue
7	Judiciary
8	Appropriations
9	Appropriations
10	Revenue
11	Revenue
12	Revenue
13	Revenue
14	Banking, Commerce and Insurance
15	Revenue
16	Miscellaneous Subjects
17	Revenue

Public Health and Welfare

Loretta Harral McNally-Foster Care Review Board

Education

Celia Ann LaGreca-Board of Trustees of the Nebraska State Colleges
Randy Bruns (R)-Board of Education Lands and Funds

(R) Reappointed

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 2	Wednesday, October 23, 1985	9:00 a.m.
LB 3	Wednesday, October 23, 1985	9:00 a.m.
LB 6	Wednesday, October 23, 1985	9:00 a.m.
LB 10	Wednesday, October 23, 1985	9:00 a.m.
LB 11	Wednesday, October 23, 1985	9:00 a.m.
LB 12	Wednesday, October 23, 1985	9:00 a.m.
LB 13	Wednesday, October 23, 1985	9:00 a.m.
LB 15	Wednesday, October 23, 1985	9:00 a.m.
LB 17	Wednesday, October 23, 1985	9:00 a.m.

(Signed) Vard R. Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 1.

Introduced by Abboud, 12th District.

WHEREAS, Harry P. Andersen, served as the only mayor of the City of Millard; and

WHEREAS, Harry P. Andersen dedicated his life to the unselfish service of his community, state, and country; and

WHEREAS, Harry's high-spirited, steadfast, and unwavering efforts to defend his principles serves as an inspiration to all Nebraskans; and

WHEREAS, Harry P. Andersen passed from this life on October 16, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature extends its sympathy to the family of Harry P. Andersen and acknowledges the fine example that this great man has set for the citizens in Millard and throughout the state.

2. That a copy of this resolution be presented to Harry's wife, Elizabeth, daughter, Kathleen, and sons, Art and Harry Jr., as a tangible symbol of the best wishes for the Andersen family.

Mr. Abboud moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 1 today.

The motion prevailed with 29 ayes, 0 nays, 2 present and not voting, and 18 excused and not voting.

LR 1 was adopted with 29 ayes, 0 nays, 2 present and not voting, and 18 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 18. By Hefner, 19th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1985, LB 722, sections 1 to 16, 18, 19, 21 to 27, 29 to 33, 35, 41, 43 to 48, 51, 52, 60, 61, 63, 65 to 68, 71 to 74, 76 to 80, and 82; to reduce appropriations; to repeal the original sections; and to declare an

emergency.

LEGISLATIVE BILL 19. By DeCamp, 40th District; Haberman, 44th District.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1985; to transfer funds; to provide for reversal of the transfer; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 20. By DeCamp, 40th District.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1985, LB 722, sections 1 to 16, 18, 19, 21 to 27, 29 to 33, 35, 41, 43 to 48, 51, 52, 60, 61, 63, 65 to 68, 71 to 74, 76 to 80, and 82; to reduce appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 21. By DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-127.01, 44-127.03, 44-127.25, and 44-129, Reissue Revised Statutes of Nebraska, 1943; to repeal the Nebraska Property and Liability Insurance Guaranty Association Act and the Nebraska Life and Health Insurance Guaranty Association Act; to harmonize provisions; to repeal the original sections, and also sections 44-127.26 to 44-127.31, 44-2401 to 44-2418, 44-2701 to 44-2720, 44-2910, 44-3108, 44-3318, and 44-3818, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 22. By Pappas, 42nd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to political subdivisions; to adopt the Political Subdivision Budget Limit Act.

LEGISLATIVE BILL 23. By Haberman, 44th District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2704, Revised Statutes Supplement, 1985; to provide a sales and use tax exemption for materials used to maintain and repair farm trucks; and to repeal the original section.

LEGISLATIVE BILL 24. By Haberman, 44th District.

A BILL FOR AN ACT relating to sales and income tax; to amend sections 77-2702 and 77-2704, Revised Statutes Supplement, 1985; to change a definition; to eliminate an exemption as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 25. By Haberman, 44th District.

A BILL FOR AN ACT relating to sales and income tax; to amend sections 77-2702 and 77-2704, Revised Statutes Supplement, 1985; to change a definition; to eliminate an exemption as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 26. By Haberman, 44th District.

A BILL FOR AN ACT relating to sales and income tax; to amend sections 77-2702 and 77-2704, Revised Statutes Supplement, 1985; to change a definition; to eliminate an exemption as prescribed; and to repeal the original sections.

MOTION - Notify Governor

Mr. Lundy moved that the President appoint a committee of five to notify the Governor that the Legislature is now convened, organized, and ready for the transaction of business and to return with any message the Governor may have for this the Second Special Session of the Eighty-Ninth Legislature.

The motion prevailed.

The Chair appointed Mesdames Nelson, Morehead, Labedz, Higgins, and Ms. Scofield to serve on said committee.

The committee escorted Governor Robert Kerrey to the rostrum where he delivered the following message:

Good morning Ladies and Gentlemen:

On September 27 the State's Revenue Forecasting Committee looked at the economy of Nebraska, at the economic models they had available to them, and they made a simple but shocking statement: The sales and income tax receipts for this fiscal year will fall considerably short of what we had earlier thought.

The result of this observation is that I have called you into special session to reduce our 85-86 budget obligations.

However, the observations of this Forecasting Committee went beyond simply saying that the earlier estimate was too high. The shock for all of us elected representatives is contained in the belief

that our economy has turned down. The shock goes further because the committee believes this downturn will last several years.

It is tempting to look at our dilemma as short term; to assume that some miracle will occur to turn revenues around in six months. This is the same temptation that gets many people in trouble: it is the temptation of avoiding reality.

Before you debate the merits of my recommendations I urge you to consider and embrace two underlying assumptions which should form the basis of our action:

1. The re-forecast of revenue is a permanent change of directions. The Forecasting Committee is telling us that for the next several years we can expect a weakening of our economy. The problem is, therefore, not one of short, one-time duration.

If we adjust the size and scope of government today, we will be prepared to adjust in the other direction when our economy recovers. If we do not shrink the size of government now, we will constantly face the need to extract ever larger percentages of our people's income in the next few years.

2. In times of economic hardship, where income declines, the most appropriate response is to conserve our resources. If I reduced the amount of food available to you over a given period of time, you would conserve the food allotted to you. You would try to avoid consuming beyond the amount available to you to eat.

Government must respond accordingly; we must measure the resources available and conserve them.

There will be arguments presented to the effect that the budget reductions will "devastate" particular program or collective effort involved. The fear of ruining some governmental effort by making these reductions will be raised over and over again.

These fears are imaginary and tend to make us do things which in the long term will be more destructive and more devastating. That the pain of the reductions and the fear of them is real is easily remembered in our last regular legislative session.

The cries then about the "elimination of essential services" filled this Rotunda. To verify my assertion that our understandable reluctance to reduce the budget should be resisted, I ask you to identify now that reduction which five months ago seemed catastrophic. And I ask you to tell me how catastrophic the reduction feels today.

I have concluded that we cannot tax ourselves out of this problem by raising income or sales tax rates. To do so would allow us to avoid the issue of keeping the pressure on our government budgets during a multi-year crisis. To do so would also discourage economic development at a time when we need it most.

I need to make clear that my notion is that government must cut

at all levels. Many of the letters that I received from local elected officials (in response to my Call for a 1 1/2% reduction in state aid) assumed that I was shifting costs. My Call is for vertical cuts based on across-the-board spending reduction targets, for all governments.

We must not engage in finger pointing and blame shifting. Local elected officials, many of whom have already faced difficult budget decisions, will be called upon for additional efforts. State officials must become more aware of incremental impacts that new legislation can have on local costs. Finally, all governments must avoid the all to easy approach of starting new programs for which future lawmakers will have to pay the bill.

The situation we are currently facing, both in terms of the State's economy and the General Fund budget, is not the State's economy and the General Fund budget, is not without precedent. It was fascinating for me to review the 6 biennial budgets covering 1927 through 1937.

The State General Fund budget was cut by over 30% from 1929 to 1933.

State government was significantly restructured, eliminating several cabinet-level positions and reducing or eliminating other positions and programs in a variety of areas, including agriculture, state aid, and higher education. Funding for the University of Nebraska was reduced by $1 million in 1933, a year in which the total General Fund budget was $11.3 million.

As these numbers indicate, pressure on the state budget spanned a four-year period. If we are to take a lesson from history, we cannot consider the current situation to be a short-term problem.

I do not believe we are facing a problem on that scale. The solution to our problem, however, remains the same...be willing to reduce the scale of government.

I believe I have developed a plan that ladles out equal measures of toughness and compassion. A mixture that is sure to generate criticism but it is sure to succeed.

My recommendation, as an appropriate course of action, involves six bills.

First, I am proposing that the current General Fund budget be reduced by $18.1 million dollars. This is accomplished by a 3% reduction to almost all agencies and programs. A list of the items excluded from any reduction has been provided to you. This list has been kept as short as possible so as to avoid larger reductions to the remaining programs. In addition, I am suggesting that four agencies: Public Institutions, Social Services, Corrections and the State Patrol, be reduced by only 1 1/2%.

These reductions have been characterized as "across-the-board" and in the sense that very few programs have been excluded, that is

an accurate description. However, the reductions should also be viewed as vertical reductions in that they are intended to be continuing in nature and will almost certainly result in reduced services. Agencies should not expect to see these funds restored in the FY 86/87 budget and should plan to make selective and permanent service eliminations or reductions. I fully realize that what we are asking will not be easy but it is none-the-less necessary.

Secondly, I am asking for a 5 cent increase in the cigarette tax. As you recall, in the last session you passed LB 653A which increased our cigarette tax by 8 cents contingent on the scheduled reduction in the federal tax. At literally the last minute, Congress delayed the effective date of that reduction for 45 days. Three of our surrounding states increased their cigarette tax by 8 cents, irregardless of the federal action. The tax in Iowa was increased to 26 cents; Kansas, 24 cents; South Dakota, 23 cents. A nickel increase in our tax will bring Nebraska's tax rate to 23 cents and will generate $4.0 million in FY 85/86 and $7.2 million in FY 86/87.

Third, I am proposing to increase the drivers abstract fee to $3.00. This will bring us to about the average of what other states charge. A similar proposal, made by the Appropriations Committee late last session, fell only 1 vote short of the needed 30 votes. This action would reduce the General Fund budget for the Department of Motor Vehicles by $600,000 this year and over $1.1 million for next year.

Fourth, I propose that the portion of the sales tax on motor vehicles that is deposited in the Highway Trust Fund be capped at 2 1/2%. Prior to 1970, all the sales tax went to the General Fund.

On January 1, 1970, LB 1303 (which authorized the change) became effective and the sales tax rate at that time was 2 1/2%. Since that time the sales tax has increased to 3 1/2%. I believe that it is fair to say that the reason behind those sales tax increases was not a desire to provide additional funds to the Highway Trust Fund but rather a need for additional General Fund revenue. While I support the notion that the first 2 1/2% of the sales tax should go to build our road systems, I likewise believe that any amounts over that rate should rightly have gone to the General Fund.

The next two proposals will have no impact on the current year's budget. However, in keeping with the view that out current problems will be with us for at least two year, and likely longer, I am proposing that we begin now to reduce or eliminate future year budget obligations.

LB 722 of the regular session contained the following statement, "it is the intent of the Legislature that the State will not provide reimbursement for driver education programs pursuant to Section 60-409.02 after the appropriation provided in Fiscal Year 1985-86." I have proposed legislation to implement that intent.

Finally, I am suggesting that the scheduled increase in the Homestead Exemption Program, which was postponed last year, be repealed. It is very unlikely that it would actually be funded. If repealed now, we can prevent a great deal of wasted effort on the part of the county assessors.

I am also introducing a bill which will enable Nebraska to meet the minimum requirements set forth in the Federal Child Support Amendments of 1984. This bill is similar to LB 600 which was introduced in the last session.

I support this bill not only because it brings Nebraska into compliance with federal law, but more importantly, because its passage will help to strengthen the enforcement of child support orders in Nebraska.

Even though total collections for 1984 through the Child Support Program increased by 22% over 1983, additional measures are needed in order to increase parental support for children and decrease the costs of public assistance to the taxpayer.

Two issues were added to the Call at the urging of others.

First, representatives of local government contacted my office with the request that the Call be expanded to include the consideration of limiting liability exposure and pooling liability insurance for local government. This is an issue of growing nationwide concern and one that offers the potential of producing significant savings for local budgets.

Secondly, several senators urged me to include the possibility of the elimination of sales tax exemptions. While I have encouraged a thorough and thoughtful analysis of our sales tax system and believe that, in time, it must be broadened if we are to keep pace with our changing economy, I urge you to use caution in viewing this as a solution to our current problems. Depending on which exemptions might be eliminated, the lead time required by the Department of Revenue to implement the changes could be significant. In addition, if sales tax reform is merely a means to escape the difficult decisions required to limit the growth of government. I will not be supportive of the effort.

Lest we become morose over our labor, let me propose that such a monumental challenge rarely presents itself to a generation of lawmakers. We have an opportunity to reshape government and make it truly excellent in fewer areas. We also can show ourselves how there are satisfactory alternatives to government intervention or government financing. We can leave a legacy to future elected officials which gives them the flexibility to create. This can only be done if we are willing to reduce the pressure on the General Fund.

If we are to survive the current financial crisis and emerge from it stronger, we will have to exert the full strength of our wills.

-To help those displaced farmers and ranchers who will need assistance.
-To redirect agricultural investments into biotechnology and food processing.
-To redirect our educational resources into the foreign languages and new technologies of the future.
-To continue to provide the educational, health care, housing and employment opportunities for those Nebraskans who are economically disadvantaged.

We must, in short, respond to the crisis as a community, with sacrifice...with faith...with hope...with vision.

I wish you well in your deliberations. I plan an active and aggressive role during this special session. My staff and I stand ready to assist you in helping to fashion a lasting solution to this long-term problem.

Thank you.

The committee escorted Governor Robert Kerrey from the Chamber.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 14 Friday, October 25, 1985 9:00 a.m.

(Signed) John W. DeCamp, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 27. By DeCamp, 40th District.

A BILL FOR AN ACT relating to lotteries; to amend section 77-3001, Reissue Revised Statutes of Nebraska, 1943, sections 9-140.03, 9-140.04, 9-141, 9-142, 9-143, 9-150, 9-172, 9-178, 9-181, 9-191, 9-195, 9-196, 9-199, 28-1101, 28-1113, 28-1116, and 28-1116.01, Revised Statutes Supplement, 1984, and sections 9-124, 9-125, 9-173, 9-178.01, 9-185, 9-187, and 9-187.02, Revised Statutes Supplement, 1985; to define a term; to authorize certain organizations to operate mechanical lotteries as prescribed; to provide a tax; to eliminate lotteries by the sale of pickle cards; to harmonize provisions; and to repeal the original sections, and also sections 9-140.05, 9-177, 9-182, and 28-1116.02, Revised Statutes Supplement, 1984, and sections 9-140.01, 9-140.13 to 9-140.15, 9-143.01 to 9-143.06, 9-179, 9-184, and 9-186 to 9-186.04, Revised Statutes

Supplement, 1985.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 17. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Appropriations

Hearings on proposed budget reductions included in LB 1, LB 8 and LB 9 referenced to the Appropriations Committee will be held on an agency basis on the dates and times shown below. Hearings on major state aid programs will be held separately as indicated.

Monday, October 21, 1985, Room 1517 9:00 a.m.

Human Resources

15 - Board of Pardons and Parole
20 - Department of Health
23 - Department of Labor
25 - Department of Public Institutions (excluding State Aid)
26 - Department of Social Services
28 - Department of Veterans' Affairs
46 - Department of Corrections
67 - Equal Opportunity Commission
70 - Foster Care Review Board
71 - Commission on Aging (excluding State Aid)
82 - Commission for the Hearing Impaired

Education

13 - Department of Education (excluding State Aid)
34 - Library Commission (excluding State Aid)
47 - NETV Commission
54 - State Historical Society
69 - Arts Council (excluding State Aid)

Monday, October 21, 1985, Room 1517 1:30 p.m.

Public Safety

14 - Public Service Commission
21 - State Fire Marshal
31 - Military Department
35 - Liquor Control Commission
43 - Athletic Commission
64 - Nebraska State Patrol
78 - Comm. on Law Enforcement & Criminal Justice (excluding State Aid)

Natural Resources

18 - Department of Agriculture
29 - Department of Water Resources
33 - Game & Parks Commission
55 - Natural Resources Commission (excluding State Aid)
84 - Department of Environmental Control (excluding State Aid)

Transportation

17 - Department of Aeronautics
24 - Department of Motor Vehicles
27 - Department of Roads

Tuesday, October 22, 1985, Room 1517 9:00 a.m.

General Government

03 - Legislative Council
04 - Policy Research
05 - Supreme Court
06 - District Courts
07 - Governor
08 - Lieutenant Governor
09 - Secretary of State
10 - Auditor of Public Accounts
11 - Attorney General
12 - State Treasurer (excluding State Aid)
16 - Department of Revenue
32 - Board of Educational Lands & Funds
37 - Workmen's Compensation Court
65 - Department of Administrative Services
72 - Department of Economic Development
75 - Investment Council
77 - Commission of Industrial Relations
80 - Department of Personnel
85 - Public Employees' Retirement Board
87 - Political Accountability & Disclosure Commission
89 - State Claims Board

Tuesday, October 22, 1985, Room 1517 1:30 p.m.

Higher Education

51 - University of Nebraska
49 - Board of Trustees for Nebraska State Colleges
50 - State Colleges
48 - Coordinating Commission for Postsecondary Education
83 - Technical Community Colleges

Wednesday, October 23, 1985, Room 1517 9:00 a.m.
State Aid Programs
State Aid to Municipalities
State Aid to Counties
State Aid to Education
Aid for Alcohol & Drug Programs
Aid to Mental Health Regions
Aid to Mental Retardation Regions
Aid for Library Development
Nebraska Water Conservation Fund
Nebraska Resources Development Fund
Nebraska Water Management Fund
State Aid to Natural Resources Districts
Aid to Arts Programs
Aid to Area Agencies on Aging
Aid for Law Enforcement - Indian Reservations
Wastewater Treatment Grants

(Signed) Lowell Johnson, Vice Chairperson

Public Works

LB 4 Wednesday, October 23, 1985 9:00 a.m.

(Signed) Loran Schmit, Chairperson

ADJOURNMENT

At 9:47 a.m., on a motion by Mr. Eret, the Legislature adjourned until 8:30 a.m., Saturday, October 19, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - OCTOBER 19, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Saturday, October 19, 1985

Pursuant to adjournment, the Legislature met at 8:33 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator Pirsch.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Beyer, Carsten, and Sieck who were excused; and Messrs. Chambers, Hannibal, Hoagland, R. Johnson, Lamb, and Rupp who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 18 through 27.

LB	Committee
18	Appropriations
19	Appropriations
20	Appropriations
21	Banking, Commerce and Insurance
22	Revenue
23	Revenue

24 Revenue
25 Revenue
26 Revenue
27 Miscellaneous Subjects

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 16	Tuesday, October 22, 1985	10:00 a.m.
LB 27	Tuesday, October 22, 1985	10:00 a.m.

(Signed) Elroy M. Hefner, Chairperson

Revenue

LB 2, 3, 6, 10, 11, 12, 13, 15, and 17 scheduled to be heard on Wednesday, October 23 are cancelled and rescheduled below.

LB 10	Wednesday, October 23, 1985	9:00 a.m.
LB 11	Wednesday, October 23, 1985	9:00 a.m.
LB 12	Wednesday, October 23, 1985	9:00 a.m.
LB 13	Wednesday, October 23, 1985	9:00 a.m.
LB 22	Wednesday, October 23, 1985	9:00 a.m.
LB 2	Wednesday, October 23, 1985	1:30 p.m.
LB 17	Wednesday, October 23, 1985	1:30 p.m.
LB 3	Wednesday, October 23, 1985	1:30 p.m.
LB 6	Wednesday, October 23, 1985	1:30 p.m.
LB 15	Thursday, October 24, 1985	9:00 a.m.
LB 23	Thursday, October 24, 1985	9:00 a.m.
LB 24	Thursday, October 24, 1985	9:00 a.m.
LB 25	Thursday, October 24, 1985	9:00 a.m.
LB 26	Thursday, October 24, 1985	9:00 a.m.

(Signed) Vard R. Johnson, Chairperson

Education

Governor Appointments Randy Bruns-Board of Educational Lands and Funds	Thursday, October 24, 1985	3:30 p.m.

Celia LaGreca-Board of Trustees of NE State Colleges

LB 5 Thursday, October 24, 1985 3:30 p.m.

(Signed) Tom Vickers, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 1.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 28. By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2701.02, and 81-125, Revised Statutes Supplement, 1984, and section 77-2715.01, Revised Statutes Supplement, 1985; to change the income tax rate; to provide for the setting of income and sales tax rates by the State Board of Equalization and Assessment; to provide procedures; to provide duties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 29. By Wesely, 26th District.

A BILL FOR AN ACT relating to audits; to amend sections 2-3223, 14-1034, 14-1035, 14-1036, 14-1722, 19-2903, 19-2906, 23-252, 23-1608, 31-715, 46-585, 70-623, 79-2210.04, and 79-2644, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1984; to authorize certain public bodies to contract for audits; to change the duties of the Auditor of Public Accounts; to change a penalty; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 30. By Schmit, 23rd District; Chronister, 18th District; Vickers, 38th District.

A BILL FOR AN ACT relating to banks; to amend section 84-1503, Revised Statutes Supplement, 1984; to state intent; to form a special committee; to provide powers and duties; to provide for the creation of the State of Nebraska Bank; to harmonize provisions; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 2CA.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article VIII, of the Constitution of Nebraska, by adding a new section 13 thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, of the Constitution of Nebraska, by adding a new section 13 thereto, which is hereby proposed by the Legislature:

"Sec. 13. Not more than forty-five per cent of the operational costs of any public school shall be derived from taxes on real property.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to limit the amount of real property tax proceeds which are used to pay the operational costs of any public school in the state.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 3.

Introduced by Pappas, 42nd District.

WHEREAS, Val Skinner, of North Platte, Nebraska won her first pro tournament in September of this year; and

WHEREAS, this is Miss Skinner's fourth season on the Ladies Professional Golf Association tour; and

WHEREAS, Miss Skinner was the 1982 L.P.G.A. Rookie of the year; and

WHEREAS, Miss Skinner was one of the best golfers in the Nebraska's junior golf program; and

WHEREAS, Miss Skinner won every Nebraska junior and women's tournaments in the state, and

WHEREAS, Miss Skinner exemplifies what dedication and hard work can achieve.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE 89th LEGISLATURE, SECOND SPECIAL SESSION, OF THE STATE OF NEBRASKA:

That Val Skinner be recognized for her victories and for her defeats, for her persistence and intensity. May she find rewards not only in the game, but in her goals.

That Val Skinner be recognized for being the first Nebraskan, male or female, for winning a professional golf tournament.

Laid over.

EASE

The Legislature was at ease from 8:50 a.m. until 9:33 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 31. By Haberman, 44th District; Labedz, 5th District.

A BILL FOR AN ACT relating to gambling; to amend sections 28-602 and 81-1316, Reissue Revised Statutes of Nebraska, 1943, sections 9-140.04, 9-140.12, 9-142, 9-143, 9-149, 9-156, 9-158, 9-160, 9-164, 9-165, 9-169, 9-174, 9-177, 9-178, 9-181, 9-193.01, 9-194, 9-196, 28-1101, and 28-1113, Revised Statutes Supplement, 1984, and sections 9-124, 9-140.01, 9-140.13, 9-143.01, 9-143.02, 9-143.04, 9-143.06, 9-170, 9-173, 9-178.01, 9-179, 9-184, 9-186, 9-186.01, 9-186.02, 9-186.03, 9-186.04, 9-187, 9-187.01, 9-187.02, 9-188, 9-189, and 28-1105, Revised Statutes Supplement, 1985; to adopt the Nebraska State Lottery Act; to provide for a transfer of powers, duties, and property; to change provisions relating to bingo and pickle cards; to change and provide penalties; to provide an exemption; to harmonize provisions; to provide operative dates; to

provide severability; to repeal the original sections, and also sections 9-140.02, 9-191, 9-192, and 9-193, Revised Statutes Supplement, 1984, and sections 9-143.05 and 9-183, Revised Statutes Supplement, 1985; and to declare an emergency.

LEGISLATIVE BILL 32. By Haberman, 44th District.

A BILL FOR AN ACT relating to elections; to amend sections 49-235 and 49-237, Reissue Revised Statutes of Nebraska, 1943; to change election provisions as prescribed; to provide a fee; to provide duties for the Secretary of State and State Treasurer; to create a fund and provide for its use; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 33. By Haberman, 44th District.

A BILL FOR AN ACT relating to lotteries; to require a question to be put on the ballot of the next general election; and to provide a termination date.

LEGISLATIVE BILL 34. By Beutler, 28th District, Chairperson of Executive Board, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,147, Reissue Revised Statutes of Nebraska, 1943, sections 77-2701.02, 77-2705, and 77-2706, Revised Statutes Supplement, 1984, and sections 77-2702, 77-2703, 77-2704, 77-2708, 77-2709, and 77-2711, Revised Statutes Supplement, 1985; to define and redefine terms; to provide for a sales tax on services; to change provisions relating to the rate of sales and use tax; to change provisions relating to exemptions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 4CA.

Introduced by Haberman, 44th District.

A Resolution to propose an amendment to the Constitution of Nebraska to repeal Article III, section 24.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

Section 1. That at a special election on December 17, 1985, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to repeal Article III, section 24, which is hereby proposed by the Legislature:

"Section 1. That Article III, section 24, is hereby repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to repeal Article III, section 24, which limits gambling.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 5CA.

Introduced by Haberman, 44th District.

A Resolution to propose an amendment to Article III, section 24, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

Section 1. That at a special election on December 17, 1985, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 24, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 24. The Legislature shall ~~not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; PROVIDED, that it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment~~

~~purposes without profit to the promoter of such lotteries, raffles, or gift enterprises. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license; PROVIDED, bingo games cannot be conducted by agents or lessees of such associations on a percentage basis~~ establish a state lottery, the proceeds of which shall be used as the Legislature shall determine. The Legislature shall by law provide the procedures necessary to implement and operate such lottery.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize the Legislature to establish a state lottery.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 28 though 34 and legislative resolutions 2, 4, and 5.

LB	Committee
28	Revenue
29	Government, Military and Veterans Affairs
30	Banking, Commerce and Insurance
31	Miscellaneous Subjects
32	Miscellaneous Subjects
33	Miscellaneous Subjects
34	Revenue

LR	Committee
2CA	Constitutional Revision and Recreation
4CA	Constitutional Revision and Recreation
5CA	Constitutional Revision and Recreation

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 30	Friday, October 25, 1985	9:00 a.m.

(Signed) John DeCamp, Chairperson

Government, Military and Veterans Affairs

LB 29	Tuesday, October 22, 1985	2:00 p.m.

(Signed) David Landis, Chairperson

Revenue

LB 28	Wednesday, October 23, 1985	9:00 a.m.
LB 34	Thursday, October 24, 1985	9:00 a.m.

(Signed) Vard R. Johnson, Chairperson

Miscellaneous Subjects

LB 31	Tuesday, October 22, 1985	10:00 a.m.
LB 32	Tuesday, October 22, 1985	10:00 a.m.
LB 33	Tuesday, October 22, 1985	10:00 a.m.

(Signed) Elroy M. Hefner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Eret and Rogers asked unanimous consent to have their names added as co-introducers to LB 15. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 18	Wednesday, October 23, 1985	1:30 p.m.
LB 19	Wednesday, October 23, 1985	1:30 p.m.
LB 20	Wednesday, October 23, 1985	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Judiciary

LB 7	Thursday, October 24, 1985	1:30 p.m.

(Signed) Peter Hoagland, Chairperson

ADJOURNMENT

At 9:36 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, October 28, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - OCTOBER 28, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, October 28, 1985

Pursuant to adjournment, the Legislature met at 9:05 a.m., Mr. Beutler presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, Hefner, and Nichol who were excused; and Messrs. Hoagland, R. Johnson, Landis, Pappas, Rupp, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 32. Placed on General File as amended.
Standing Committee amendment to LB 32:
AM034S

1. On page 3, line 3, after the period insert "No person shall manufacture or distribute on a wholesale basis in this state lottery equipment or material intended for a state lottery unless he or she is a registered lottery agent.".

LEGISLATIVE BILL 16. Indefinitely postponed.
LEGISLATIVE BILL 27. Indefinitely postponed.
LEGISLATIVE BILL 33. Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

Revenue

LEGISLATIVE BILL 2. Placed on General File.
LEGISLATIVE BILL 6. Placed on General File.
LEGISLATIVE BILL 10. Placed on General File.

LEGISLATIVE BILL 3. Placed on General File as amended.
Standing Committee amendments to LB 3:
AM046S

1. On page 7, line 27, strike "This" and insert "Sections 1, 2, 3, and 6 of this".
2. On page 8, line 3, after the period insert "The other sections of this act shall become operative on their effective date."; and in line 6 strike "and Laws 1985, LB 653A, section 4,".
3. Insert the following new section:
"Sec. 7. That original Laws 1985, LB 653A, section 4, is repealed.".
4. Renumber the remaining section accordingly.

(Signed) Vard R. Johnson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 14. Placed on General File as amended.
Standing Committee amendments to LB 14:
AM047S

1. Strike sections 1 to 11.
2. On page 11, strike beginning with "The" in line 9 through the period in line 12 and insert:
"The total amount recoverable under the Political Subdivisions Tort Claims Act for claims arising out of an occurrence after the effective date of this act is limited to:
(1) One million dollars for any person for any number of claims arising out of a single occurrence; and

(2) Five million dollars for all claims arising out of a single occurrence.".

3. Renumber remaining sections accordingly.

(Signed) John DeCamp, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 134
October 18, 1985

Dear Senator Warner:

You have requested our opinion concerning the interpretation of two statutory provisions dealing with the transfer of municipal court employees into the state county court and state probation systems. Specifically, you ask whether certain language in Neb.Rev.Stat. §§24-593 and 29-2249.03 (Supp. 1984), providing that "no employee shall incur a loss of income" as a result of their transfer or classification, would prohibit the termination of such employees if the Legislature were to reduce funding for the systems.

Pursuant to these sections, effective July 1, 1985, municipal court employees were transferred into the county court system, and municipal court probation employees were transferred into the state probation system. In our view, the language in these sections providing that "no employee shall incur a loss of income" upon transfer or classification was intended to guarantee that the salaries and benefits accorded such employees would not be reduced at the time the systems were merged.

We do not believe, however, that this language was intended to confer upon such employees an absolute right to continued employment in the future, or to insulate these employees from subsequent reductions in salary or termination necessitated by reductions in funding by the Legislature. The determination of whether continued funding will be provided for these positions is within the discretion of the Legislature, and is a matter which is faced by all programs and agencies funded by the state. The decision is essentially a matter of policy which is the subject of legislative determination. In our view, the language in these sections cannot be interpreted to limit the discretionary power granted the Legislature to determine appropriations under Article III, Section 22, of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE

Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 135
October 23, 1985

Dear Senator Warner:

This is in response to your letter of October 17, 1985, in which you ask two questions concerning the scope of the Governor's call for the current special session.

Article IV, section 8 of the Nebraska Constitution provides:

> The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together.

This constitutional provision establishes an express limitation on the power of the Legislature to act during a special session. In Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 686, 689, 131 N.W.2d 134 (1964) the court, discussing this limitation, stated as follows:

> It is well established that the Legislature while in special session can transact no business except that for which it was called together. . . . The proclamation may state the purpose for which the Legislature is convened in broad, general terms or it may limit the consideration to a specified phase of a general subject. The Legislature is free to determine in what manner the purpose shall be accomplished, but it must confine itself to the matters submitted to it by the proclamation.

The court went on to explain this limitation as follows:

> The guiding principle in sustaining legislation of a special session is that it be germane to, or within, the apparent scope of the subjects which have been designated as proper fields for legislation. In construing a call the words of any portion thereof must be interpreted not only as commonly and universally understood, but also as applicable to the subject intended to be affected by legislation.
>
> While the legislature must confine itself to the matters submitted, it need not follow the views of the governor or legislate in any particular way. Within the special business or designated subjects submitted, the legislature cannot be restricted or dictated

to by the governor. It is a free agent, and the governor, under the guise of definition, cannot direct or control its action.

The Legislature while in special session may enact legislation relating to, germane to, and having a natural connection with the purpose for which it was convened. (Emphasis added.)

Id. at 689-690.

With these principles in mind, we will proceed to answer your specific questions. Your first question pertains to the first item in the Governor's call which is as follows: "Reduce appropriations approved by the 89th Legislature, 1st Session." Your question is, in order to meet the first item of the Governor's call, can the Legislature pass legislation eliminating programs that are otherwise statutorily authorized or required? The elimination of enabling legislation for certain programs, where it is done in conjunction with the reduction or elimination of the appropriations for those programs, would seem to be germane to that portion of the call seeking a reduction in appropriations and has a natural connection with that purpose. Therefore, we would conclude that such legislation would be within the scope of the Governor's call.

Your second question is as follows:

Can the Governor by his call preclude the Legislature from performing its constitutional duty of forming a state budget as it feels to be proper--specifically, from adjusting tax rates other than those specifically mentioned in the call or taking other actions designed to address the budgetary issue but not in the precise manner proposed by the Governor?

The Governor's call for the current special session does not deal with the budget in general but only with specific facets of that budget, such as reductions in appropriations, a fund transfer and certain specified revenue enhancement measures. In general, under the tests set forth above, the Legislature would be precluded from considering other budgetary or taxing measures than those specifically addressed in the call. The purpose of raising revenues, other than those measures specifically set forth in the call, and any other budgetary actions, are simply not germane to the specific purposes for which this session was called. Moreover, if the members of the Legislature deem it necessary that such matters be addressed by the Legislature, Neb.Rev.Stat. §50-125 (Reissue 1984), sets forth a specific mechanism by which the Legislature may petition the Governor to call a special session for any such purposes as the Legislature may deem necessary.

There is an argument, however, which could be made in order to allow the Legislature to examine the sales and income tax rates after it has acted on the various revenue and appropriation measures contained in the call. This arises from the Legislature's statutory requirement to set the sales and income tax rates under Neb.Rev.Stat.

§77-2715.01(b) (Supp. 1985), which provides as follows:

> The Legislature shall set the rates of the sales tax and income tax so that the estimated funds available plus estimated receipts from the sales, use, income, and franchise taxes will be not less than three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar years. The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations of the state.

Even under this argument we should first state, consistent with our previous comments, that we do not believe the scope of the call is broad enough for the Legislature to consider any bills standing alone which would raise the sales and income tax rates. This subject by itself is simply not within the scope of the call. However, one could argue that after examining the proposed reductions in appropriations and the proposed increases in revenues contained in the call, and acting upon them, the Legislature would at that point in time be required to exercise its responsibilities under §77-2715.01(b) by examining the new levels of appropriations and estimated receipts and setting the sales and income tax rates accordingly. Should the Legislature then determine an adjustment to the sales or income tax rate is necessary, it could so act prior to the close of the special session.

Given the restrictive view which our Supreme Court has taken in interpreting the scope of the Governor's call for a special session, we cannot conclude that such an action would be upheld if challenged in a lawsuit as beyond the scope of the call. Thus, the more prudent course of action, should the Legislature subsequently determine after exhausting the items on the call that a sales or income tax increase is warranted, would be for the Legislature to petition the Governor under §50-125 for a special session for that purpose. This would clearly avoid any court challenges that could leave the matter in a state of uncertainty for a matter of months if not years.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 136
October 23, 1985

Dear Senator Beutler:

You have requested our opinion concerning whether a number of bills introduced at the recently convened Special Session are within the scope of the Governor's call. In particular, you have asked whether LBs 10, 11, 12, 13, 15, 16, 19, 21, 22, 23, 27, and 34 extend beyond the scope of the call.

Article IV, Section 8, of the Nebraska Constitutional provides:

> The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called.

The last portion of this constitutional provision places an express limitation on the power of the Legislature to act at a special session. In Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 686, 689-90, 131 N.W.2d 134, 137 (1964), the court, discussing the nature of this limitation, stated:

> It is well established that the Legislature while in special session can transact no business except that for which it was called together. Chicago, B. & Q. R.R. Co. v. Wolfe, 61 Neb. 502, 86 N.W. 441. The proclamation may state the purpose for which the Legislature is convened in broad, general terms or it may limit the consideration to a specified phase of a general subject. The Legislature is free to determine in what manner the purpose shall be accomplished, but it must confine itself to the matters submitted to it by the proclamation.
>
> In Commonwealth ex rel. Schnader v. Liveright, 308 Pa. 35, 16il A. 697, in construing a similar provision in the Constitution of Pennsylvania, the court said: "This constitutional provision contemplates that there shall first exist in the executive mind a definite conception of the public emergency which demands an extraordinary session. His mental attitude or intention is expressed in his proclamation, the purpose of which is to inform the members of the legislature of subjects for legislation, and to advise the public generally that objections may be presented if desired. It is not only a guide or chart with respect to which the legislature may act, but also a check restricting its actions so that rights may not be affected without notice. The proclamation may contain many or few subjects according to the governor's conception of the public need. While the subjects may be stated broadly or in general terms, the special business, as related to the general subject on which legislation is desired, should be designated by imposing qualifying matter to reduce or restrict. . . .
>
> ". . . ."

The Legislature while in special session may enact legislation relating to, germane to, and having a natural connection with the purpose for which it was convened. Blackford v. Judith Basin County, 109 Mont. 578, 98 P.2d 872, 126 A.L.R. 639. The purpose or subject as stated in the proclamation is to be determined by an analysis and construction of the proclamation as in the case of any written instrument. State ex rel. Nat. Conservation Exposition Co. v. Woollen, 128 Tenn. 456, 161 S.W. 1006, Ann. Cas. 1915C 465. The presumption is always in favor of the constitutionality of legislation, and an act should be held to be within the call if it can be done by any reasonable construction. (Emphasis added.)

The Governor's Proclamation called the Legislature into Special Session

. . . for the purpose of considering and enacting legislation relating to the following subjects:

1. Reduce appropriations approved by the 89th Legislature, 1st Session;

2. Increase the Drivers Record Abstract fee.

3. Deposit a portion of the sales tax on motor vehicles in the General Fund.

4. Increase the State Cigarette tax.

5. Conform State laws with the "Child Support Enforcement Amendments of 1984" as mandated by Public Law 98-378.

6. Reduce or eliminate Fiscal Year 1986-87 budget obligations.

7. Provide permissive authority for political subdivisions to create group insurance pools.

8. Provide for a maximum dollar amount to limit the liability of political subdivisions subject to the Political Subdivisions Tort Claims Act.

9. Provide for the elimination of selected exemptions from the State Sales Tax.

Based on the general guidelines enunciated by the Nebraska Supreme Court in Arrow Club, supra, we will endeavor to respond to your request to determine whether certain specified bills would fall within the above-listed subjects contained in the Governor's call.

Initially, we believe it is appropriate to make some general observations regarding the scope of the Governor's call. The proclamation calling the Legislature into Special Session does not deal with the state budget in general terms, but, rather, only with specific aspects of the budget, such as reductions in appropriations, a fund transfer, and certain specified means of revenue enhancement. In general, the scope of the call precludes the Legislature from expanding the session to consider and enact legislation concerning budgetary or taxing measures other than those specifically addressed in the call.

With respect to LBs 10 and 11, which propose to adopt an increase in the state income tax rate, we refer you to our recent opinion to Senator Warner regarding the propriety of the Legislature considering this subject during the session, a copy of which is enclosed. As we believe this opinion adequately addresses your question as it relates to these two bills, we will not provide any further discussion of the matter in this opinion.

LB 12 provides for the transfer of the balance of the Cash Reserve Fund to the General Fund. Section 2 of the bill would amend Neb.Rev.Stat. §77-2602 (Supp. 1985) by directing the portion of the cigarette tax proceeds to be provided to the Cash Reserve Fund through June 30, 1986, be placed instead into the General Fund. LB 19 also proposes to transfer the balance of the Cash Reserve Fund to the General Fund.

In our opinion, neither LB 12 nor LB 19 fall within the scope of the call. Upon examination of the nine specific subjects outlined in the Proclamation, it is our opinion that neither bill is "related to" or "germane to" any subject contained in the call. While LB 12 does amend the manner in which a portion of the proceeds of the state cigarette tax are directed, this would not relate to the subject in the call pertaining to considering legislation to "increase" the cigarette tax. Furthermore, the only fund transfer included in the call is limited to the subject of depositing a portion of the sales tax on motor vehicles into the General Fund.

LB 13 would generally allow out-of-state retailers the option to become licensed to collect and remit Nebraska use tax on sales of tangible personal property delivered to residents of Nebraska. Alternatively, the bill would allow out-of-state retailers to supply a list of Nebraska customers to the State Tax Commissioner.

A review of the subjects in the call demonstrates the provisions of LB 13 are not related to any of the subjects therein. Accordingly, we conclude that consideration of LB 13 is not authorized business under Article IV, Section 8.

LB 15 would amend Neb.Rev.Stat. §77-2702 (Supp. 1985) to provide a sales tax exemption for occasional sales of agricultural machinery or equipment. LB 23 proposes to amend Neb.Rev.Stat. §77-2704 (Supp. 1985) to provide a sales tax exemption for materials and parts used to repair and maintain farm trucks.

The ninth subject outlined in the call relates to providing for the "elimination" of exemptions from the state sales tax. In our opinion, both LB 15 and LB 23, which propose to create additional sales tax exemptions, would be outside the scope of the Governor's call.

Both LB 16 and LB 27 concern the enactment of statutes creating or authorizing two forms of lotteries to be conducted in the state. LB 16 proposes to establish a state lottery. LB 27 proposes to

authorize the operation of mechanical lotteries in Nebraska.

In our opinion, neither LB 16 nor LB 27 can be viewed as "related to" or "germane to" any of the subjects contained in the call. Indeed, it is apparent that neither bill bears any relationship to the subjects constituting the purposes for which the Legislature was convened.

LB 21 generally provides for the repeal of the Nebraska Property and Liability Insurance Guaranty Association Act, Neb.Rev.Stat. §§44-2401 to 44-2418 (Reissue 1984), and the Nebraska Life and Health Insurance Guaranty Association Act, Neb.Rev.Stat. §§44-2701 to 44-2720 (Reissue 1984). While the bill does contain language expressing an intent to repeal these acts in order to aid the Legislature in the appropriation of adequate funds for the 1985-86 fiscal year, we feel this cannot be construed to relate to any of the subjects contained in the call. The bill would not fall within the scope of the first subject of the Proclamation, as it does not serve to "reduce" appropriations, nor is the bill related to any other subjects stated therein.

LB 22 proposes to adopt a Political Subdivision Budget Limit Act. Generally, LB 22 would prohibit the governing body of a political subdivision from adopting a budget statement in which the anticipated combined receipts for the ensuing fiscal year exceed the combined receipts budget base.

The seventh subject listed in the call relates to providing political subdivisions authority to create group insurance pools. The eighth subject concerns providing a maximum dollar amount limit on the liability of political subdivisions subject to the Political Subdivision Tort Claims Act. LB 22, which would establish a Political Subdivision Budget Limit Act, is not sufficiently related to the specific subjects in the call dealing with political subdivisions to be deemed proper business under Article IV, Section 8. While the bill deals generally with political subdivisions, it is not related to the specific subjects of providing the creation of group insurance pools, or of providing a limit to liability under the Political Subdivisions Tort Claims Act.

Finally, LB 34 would generally amend the Nebraska sales tax statutes to provide for the imposition of a sales tax on services. Again, the ninth subject stated in the call relates to providing for the "elimination" of exemptions from the state sales tax. The scope of the call under this subject is limited to consideration of the elimination of specific exemptions, and, therefore, the expansion of the sales tax statutes to include a sales tax on services would not be within the stated scope of the Governor's Proclamation. The enactment of a sales tax on services would not be "related to" or "germane to" the specific subject outlined, that of eliminating present sales tax exemptions.

In your initial letter, you ask us to address what would be the effect of the Legislature's enactment of legislation which does not fall within the purpose of the Special Session as defined by the Governor's call. In Arrow Club, supra, certain portions of a bill enacted during the 1963 Special Session, which the court concluded did not relate to a subject included in the proclamation calling the Legislature into Special Session, were held void as being in violation of Article IV, Section 8. Thus, in response to your question, if, following a court challenge, legislation enacted during the Special Session was determined to be outside the scope of the subjects in the call, such legislation would be declared void by the court as being in violation of the Nebraska Constitution.

Based on the foregoing, it is our conclusion that none of the bills you have asked us to consider are sufficiently "related to" or "germane to" the subjects contained in the Governor's Proclamation to be deemed authorized business under Article IV, Section 8, of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 137
October 24, 1985

Dear Senator Beutler:

You have requested our opinion concerning a number of additional bills and legislative resolutions introduced during the current Special Session and whether or not they fall within the scope of the Governor's call. In particular, you have asked about LBs 28, 29, 30, 31, 32, and 33, and LRs 2, 4, and 5.

In our previous opinion to you of October 23, 1985, we outlined the relevant constitutional provision and the Supreme Court's interpretation of the scope of the Governor's call as set forth in Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 686, 131 N.W. 134 (1964). In addition we set forth the specific items contained in the Governor's call. Rather than duplicate that material herein, we refer you to our previous opinion.

LB 28 would change the current income tax rate and would

delegate the tax rate setting authority to the State Board of Equalization and Assessment. This is not germane or related to any of the nine specific items contained in the Governor's call and is beyond the scope of the call. See, also, our opinion to Senator Warner dated October 23, 1985.

LB 29 would authorize certain public bodies to contract with the Auditor of Public Accounts for their statutorily required audits. Again, this provision is not related or germane to any of the nine specific items contained in the Governor's call and thus would be beyond the scope of the call.

LB 30 would establish a Nebraska State Bank. This is clearly outside the scope of the Governor's call.

LBs 31, 32, and 33 are related to the creation of a state lottery. This subject is, again, clearly not within the scope of the Governor's call for the current special session.

LR 2 pertains to an amendment to the Constitution regarding a limitation on the amount of property tax support for public schools. This is likewise not germane or related to any of the nine items on the Governor's call for this Special Session and is beyond the scope of that call.

LR 4 would repeal Article III, Section 24, of the Nebraska Constitution which contains limitations on gambling within the state. In addition, LR 5 would establish a state lottery. As we have previously indicated, a state lottery is completely beyond the subject matter of the current call, and so would be these resolutions.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

October 21, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Acting Director, Nebraska Department of Personnel, requiring legislative confirmation:

Appointee:
Andrew W. Russell, Lincoln, Nebraska, Term: October 21, 1985 - At the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

October 21, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Acting Executive Director, Nebraska Liquor Control Commission, requiring legislative confirmation:

Appointee:
Forrest Chapman, Lincoln, Nebraska, Term: October 21, 1985 - At the pleasure of the Governor.
This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LR 5CA	Friday, October 25, 1985	10:00 a.m.
LR 2CA	Friday, October 25, 1985	1:30 p.m.

(Signed) Lee Rupp, Chairperson

Banking, Commerce and Insurance

LB 14	Friday, October 25, 1985	9:00 a.m.
LB 21	Friday, October 25, 1985	9:00 a.m.
LB 30	Friday, October 25, 1985	9:00 a.m.

(Signed) John DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 6. Title read. Considered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 7 nays, and 26 not voting.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Baack	Hall	Lamb	Pappas	Sieck
Barrett	Hannibal	Lundy	Peterson	Smith
Beutler	Harris	Marsh	Pirsch	Vickers
Carsten	Johnson, L.	Miller	Remmers	Warner
Eret	Johnson, R.	Morehead	Rogers	Wesely
Goll	Johnson, V.	Nelson	Scofield	Withem
Goodrich				

Voting in the negative, 9:

Abboud	Chronister	Haberman	Higgins	Schmit
Beyer	DeCamp	Hartnett	Lynch	

Present and not voting, 3:

Chambers	Chizek	Landis

Excused and not voting, 6:

Conway Hoagland Labedz Nichol Rupp
Hefner

Advanced to E & R for Review with 31 ayes, 9 nays, 3 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM036S

1. On page 108, line 13, after "82," insert ", and also Laws 1985, LB 723, section 32,".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 19 in the Journal. No objections. So ordered.

AM040S

1. Insert the following new section:

"Sec. 2. That section 84-614, Revised Statutes Supplement, 1984, be amended to read as follows:

84-614. Any transfer of funds made pursuant to subsection (2) of section 84-612 ~~and~~ which has not been reversed as provided in such section shall be considered an encumbrance against the General Fund.".

2. On page 3, line 7, strike "section 84-612" and insert "sections 84-612 and 84-614"; and in line 8 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 2. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers offered the following amendment:

P.3, line 5, insert after the period -

Reductions in the Highway Allocation Fund or the Highway Cash Fund attributable to Legislative action shall not trigger the provisions of 66-476(4).

Mr. DeCamp requested a ruling of the Chair on whether the Vickers amendment is within the scope of the Governor's Call into Special Session.

The Chair ruled the Vickers amendment is within the Call.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 8:

Beutler	Hartnett	Lynch	Pirsch	Vickers
Goodrich	Johnson, V.	Pappas		

Voting in the negative, 21:

Abboud	Chronister	Hannibal	Lundy	Scofield
Baack	DeCamp	Harris	Morehead	Smith
Barrett	Goll	Johnson, L.	Peterson	Warner
Beyer	Haberman	Lamb	Remmers	Withem
Carsten				

Present and not voting, 14:

Chambers	Hall	Labedz	Miller	Sieck
Chizek	Higgins	Landis	Nelson	Wesely
Eret	Johnson, R.	Marsh	Rogers	

Excused and not voting, 6:

Conway	Hoagland	Nichol	Rupp	Schmit
Hefner				

The Vickers amendment lost with 8 ayes, 21 nays, 14 present and not voting, and 6 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lynch requested a record vote on the advancement of the bill.

Voting in the affirmative, 13:

Beutler	Harris	Labedz	Pirsch	Vickers
Goodrich	Higgins	Nelson	Schmit	Wesely
Hall	Johnson, V.	Pappas		

Voting in the negative, 25:

Abboud	Chronister	Hartnett	Marsh	Scofield
Baack	DeCamp	Johnson, L.	Morehead	Sieck
Barrett	Goll	Johnson, R.	Peterson	Smith
Beyer	Haberman	Lamb	Remmers	Warner
Carsten	Hannibal	Lundy	Rogers	Withem

Present and not voting, 6:

Chambers	Eret	Landis	Lynch	Miller
Chizek				

Excused and not voting, 5:

Conway	Hefner	Hoagland	Nichol	Rupp

Failed to advance to E & R for Review with 13 ayes, 25 nays, 6 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Randy Bruns - Board of Educational Lands and Funds

Voting aye: Senators Vickers, Baack, Barrett, Eret, R. Johnson, Lamb, Morehead, Nelson.
Voting nay: None.

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Celia LaGreca - State College Board of Trustees

Voting aye: Senators Vickers, Baack, Barrett, Eret, R. Johnson, Lamb, Morehead, Nelson.
Voting nay: None.

(Signed) Tom Vickers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 3. Title read. Considered.

The Standing Committee amendments, AM046S, found in this day's Journal on page 38 were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Haberman moved to adjourn until October 29, 1985 at 9:00 a.m.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. V. Johnson requested a roll call vote on the Haberman motion to adjourn.

Voting in the affirmative, 21:

Barrett	DeCamp	Higgins	Miller	Rogers
Beyer	Eret	Johnson, L.	Pappas	Sieck
Carsten	Goodrich	Johnson, R.	Peterson	Vickers
Chizek	Haberman	Lynch	Remmers	Withem
Chronister				

Voting in the negative, 20:

Abboud	Hannibal	Labedz	Marsh	Schmit
Baack	Harris	Lamb	Morehead	Smith
Beutler	Hartnett	Landis	Nelson	Warner
Hall	Johnson, V.	Lundy	Pirsch	Wesely

Present and not voting, 3:

Chambers	Goll	Scofield

Excused and not voting, 5:

Conway	Hefner	Hoagland	Nichol	Rupp

The motion to adjourn prevailed with 21 ayes, 20 nays, 3 present and not voting, and 5 excused and not voting, and at 11:29 a.m. on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Tuesday, October 29, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - OCTOBER 29, 1985

LEGISLATIVE JOURNAL

FIFTH DAY - OCTOBER 29, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, October 29, 1985

Pursuant to adjournment, the Legislature met at 9:07 a.m., Senator Beutler presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, Nichol, and Sieck who were excused; and Messrs. Eret, Hall, Hartnett, V. Johnson, Lynch, Schmit, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 6. Placed on Select File.

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 1. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM062S.)

(Signed) Jerome Warner, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of October 25, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Agee, W.B. - Lincoln, GTE (Withdrawn 85/06/05); Nebraska Petroleum Marketers, Inc. (Withdrawn 85/06/05)
Anderson, Robert L. - Lincoln, Anderson Management Services, Inc.
Belford, Paula - Lincoln, Nebraska Water Conservation Council (Withdrawn 85/10/15)
Carothers, Andrew K. - Lincoln, (Withdrawn 85/06/01), Associated Students of the University of Nebraska (ASUN)
Coyne, Brian D. - Lincoln, (Withdrawn 85/09/01), Nebraska Nuclear Weapons Freeze Campaign
Dalton, Cynthia G. - Lincoln, Nebraska Grain & Feed Dealers Association (Withdrawn 85/09/23)
Erickson & Sederstrom
Curry, Douglas L. - Lincoln, Nebraska Municipal Power Pool
Thone, Charles - Lincoln, Nebraska Municipal Power Pool
Fenger, George - Bellevue, (Withdrawn 85/06/30), Nebraska Tax Limit Coalition, Inc.
Fowler, Steve - Lincoln, Richard Lombardi
Hallstrom, Robert J. - Lincoln, National Federation of Independent Business
Licht, Alice L. - Lincoln, Nebraska Grain & Feed Dealers Association (Withdrawn 85/09/23)
Lombardi, Richard A. - Lincoln, Nebraska Association of Public Employees
Meyer, Daniel W. - Lincoln, Richard Lombardi
Moore, Kathy - Omaha, (Withdrawn 85/08/21), Legislative Coalition for Children
O'Hara & Associates, Inc. - Lincoln, Broadcast Music, Inc. (Withdrawn 85/10/01); Citizen's Action Association (Withdrawn 85/10/01); Nebraska Municipal Power Pool (Withdrawn 85/10/01);

Nucor Corporation (Withdrawn 85/10/01)
Oberg, Jon H. - Lincoln, Arts Alliance-Nebraska
Paine, Shirley J. - Omaha, Nebraska Academy of Physician Assistants
Robinson, J. J. - Lincoln, American Consulting Engineers Council of Nebraska
Rood, John William - Lincoln, Associated Students of the University of Nebraska (ASUN)
Ryan, James E. - Lincoln, Lincoln Telephone & Telegraph Company (Withdrawn 85/09/30); Northwestern Bell
Sedlacek, Ronald J. - Lincoln, Nebraska Association of Commerce & Industry
Skarda Jr., William R. - Gretna, Nebraska Motor Carriers Association
Vodvarka, Dan - Lincoln, Nebraska Association of Commerce & Industry
Wheeler, Calvin W. - Lincoln, (Withdrawn 85/10/23), Mutual of Omaha Insurance Company

MOTION - Approve Appointments

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 53: Randy Bruns - Board of Educational Lands and Funds; Celia LaGreca - State College Board of Trustees.

Voting in the affirmative, 34:

Abboud	Chronister	Hoagland	Morehead	Scofield
Baack	Conway	Johnson, L.	Nelson	Smith
Barrett	DeCamp	Lamb	Pappas	Vickers
Beutler	Goll	Landis	Peterson	Warner
Beyer	Goodrich	Lundy	Pirsch	Wesely
Carsten	Haberman	Marsh	Remmers	Withem
Chizek	Hannibal	Miller	Rogers	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Harris	Higgins	Johnson, R.	Rupp

Excused and not voting, 10:

Eret	Hall	Hartnett	Hefner	Johnson, V.

Labedz Lynch Nichol Schmit Sieck

These appointments were confirmed with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 3. Read. Considered.

LR 3 was adopted with 28 ayes, 0 nays, and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Standing Committee amendments, AM062S, printed separate from the Journal and referred to in this day's Journal, were considered.

Mr. Warner requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is Section 1.

MR. LAMB PRESIDING

Mr. Beutler offered the following amendment to the first Standing Committee amendment:
AM053S

(Amendments to AM062S)

1. Purpose: To change the 3% reduction of $210,184 to Agency No. 3--Legislative Council by giving credit for the total cost of two unbudgeted special sessions in the amount of $171,969.

Amendment:

a. On page 1, in lines 5 and 6 strike "3,701,695" and insert "3,711,229"; in lines 14 and 15 strike "1,442,849" and insert "1,469,244"; and in lines 21 and 22 strike "790,296" and insert "799,109"; and

b. On page 2, in lines 4 and 5 strike "180,687" and insert "196,785"; in lines 10 and 11 strike "115,862" and insert "221,162"; in lines 16 and 17 strike "564,502" and insert "570,331"; and in lines 24 and 25 strike "6,795,891" and insert "6,967,860".

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Baack	DeCamp	Hoagland	Lynch	Pappas
Beutler	Goodrich	Johnson, R.	Marsh	Schmit
Chambers	Haberman	Johnson, V.	Morehead	Vickers
Chizek	Hall	Labedz	Nelson	Wesely
Conway	Harris	Landis		

Voting in the negative, 21:

Abboud	Goll	Lamb	Pirsch	Scofield
Barrett	Hannibal	Lundy	Remmers	Smith
Beyer	Higgins	Miller	Rogers	Warner
Carsten	Johnson, L.	Peterson	Rupp	Withem
Chronister				

Excused and not voting, 5:

Eret	Hartnett	Hefner	Nichol	Sieck

The Beutler amendment lost with 23 ayes, 21 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the first Standing Committee amendment:
AM054S

(Amendments to Am062S)

1. Purpose: To change the 3% reduction of $210,184 to Agency No. 3 -- Legislative Council by giving credit for one half of the total cost of two unbudgeted special sessions in the amount of $85,984.

Amendment:

a. On page 1, in lines 5 and 6 strike "3,701,695" and insert "3,702,229" ; in lines 14 and 15

strike"1,442,849" and insert "1,441,244"; and in lines 21 and 22 strike "790,296" and insert "786,609"; and

b. On page 2, in lines 4 and 5 strike "180,687" and insert "175,300"; in lines 10 and 11 strike "115,862" and insert "214,162"; in lines 16 and 17 strike "564,502" and insert "562,331"; and in lines 24 and 25 strike "6,795,891" and insert "6,881,875".

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 5 nays, and 32 not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	Conway	Harris	Landis	Pappas
Baack	DeCamp	Hoagland	Lynch	Rupp
Beutler	Goodrich	Johnson, R.	Marsh	Schmit
Chambers	Haberman	Johnson, V.	Morehead	Vickers
Chizek	Hall	Labedz	Nelson	Wesely

Voting in the negative, 18:

Beyer	Hannibal	Lundy	Remmers	Smith
Carsten	Higgins	Miller	Rogers	Warner
Chronister	Johnson, L.	Peterson	Scofield	Withem
Goll	Lamb	Pirsch		

Excused and not voting, 6:

Barrett	Hartnett	Hefner	Nichol	Sieck
Eret				

The Beutler amendment to the first Standing Committee amendment

was adopted with 25 ayes, 18 nays, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. DeCamp, V. Johnson, Remmers, and Beutler offered the following amendment to the first Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM057S.)

Mr. Warner requested a ruling of the Chair on whether the DeCamp et al. amendment is germane to the first Standing Committee amendment.

The Chair ruled the DeCamp et al. amendment not germane to the first Standing Committee amendment.

Mr. DeCamp asked unanimous consent to withdraw the DeCamp et al. amendment. No objections. So ordered.

The first Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

The second Standing Committee amendments are Section 2 through 63.

Messrs. DeCamp, V. Johnson, Remmers, and Beutler reoffered the following amendment to the second Standing Committee amendments:
(Amendment on file in the Clerk's Office - Room 2018 - AM057S.)

Mr. Landis moved to recess until 1:30 p.m.

Mr. V. Johnson requested a roll call vote on the motion to recess.

Voting in the affirmative, 23:

Abboud	Goll	Lamb	Morehead	Rogers
Barrett	Hannibal	Landis	Nelson	Scofield
Beutler	Harris	Lundy	Peterson	Vickers
Chizek	Johnson, L.	Marsh	Pirsch	Withem
Chronister	Johnson, R.	Miller		

Voting in the negative, 18:

Baack	DeCamp	Hoagland	Pappas	Schmit
Beyer	Haberman	Johnson, V.	Remmers	Warner
Carsten	Hall	Labedz	Rupp	Wesely
Conway	Higgins	Lynch		

Present and not voting, 3:

Chambers	Goodrich	Smith

Excused and not voting, 5:

Eret	Hartnett	Hefner	Nichol	Sieck

The motion to recess prevailed with 23 ayes, 18 nays, 3 present and not voting, and 5 excused and not voting, and at 12:04 p.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Mrs. Marsh presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, Nichol, and Sieck who were excused; and Messrs. Barrett, Chambers, Eret, Hartnett, Hoagland, R. Johnson, Landis, Wesely, and Mrs. Higgins who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 6.

Introduced by Vickers, 38th District; Schmit, 23rd District; R. Johnson, 34th District.

WHEREAS, the University of Nebraska and its Extension Service provides a significant source of information and expertise in agriculture for the State of Nebraska; and

WHEREAS, the University of Nebraska has in place a computer network dedicated to the analysis of economic problems in

agriculture; and

WHEREAS, the technical community colleges of Nebraska and local public schools through related vocational agriculture programs and instructors have traditionally helped Nebraska's farmers to become better and more efficient producers; and

WHEREAS, the University Extension Service through its financial counseling program and the technical community colleges through computer programs generated by their vocational agriculture departments are available to aid farmers' analysis of their economic position; and

WHEREAS, both the technical community colleges and the University Extension Service have initiated programs to aid farmers during the current farm crises; and

WHEREAS, the state Department of Agriculture has acted to coordinate agriculture assistance programs throughout the state; and

WHEREAS, the ability of farmers to correctly and accurately evaluate their financial position helps them to make informed choices as they conduct their business; and

WHEREAS, the ability to make informed choices will enhance the ability of farmers to cope with the challenges of the coming months.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature applauds the efforts of the University, the technical community colleges, and the University Extension Service and urges them to continue cooperative efforts to aid Nebraska's farmers.

2. That this resolution be made available to the public by the members of the Fourth Estate in Nebraska so that the people can be made aware of the programs that are available.

3. That the Legislature encourages the state Department of Agriculture to continue to coordinate the efforts of all branches of state government and to use all means at their disposal to help the state and all its citizens to meet the challenges of the next few months.

Laid over.

LEGISLATIVE RESOLUTION 7.

Introduced by Vickers, 38th District; Harris, 27th District.

WHEREAS, the McCook Carnegie Library has been officially listed in the National Register of Historic Places; and

WHEREAS, the 1907 library is an excellent example of the Spanish Colonial Revival period popular at the turn of the century

which is characterized by the use of stucco and curvilinear parapets and is the only Spanish Colonial Revival library in the Register; and

WHEREAS, the library was designed by the noted architect, Willis Adams Marean, and funded by Andrew Carnegie, the great philanthropist; and

WHEREAS, since it was built, the building has served as a public library, city of McCook offices, and is now the Museum of the High Plains.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature congratulates the Nebraska State Historical Society and the great city of McCook on the listing of the McCook Carnegie Library in the National Register of Historic Places.

2. That a copy of this resolution be sent to the Museum of the High Plains, 423 Norris Avenue, McCook, NE 69001.

Laid over.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 4. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Revenue

LEGISLATIVE BILL 17. Indefinitely postponed.
LEGISLATIVE BILL 23. Indefinitely postponed.
LEGISLATIVE BILL 24. Indefinitely postponed.
LEGISLATIVE BILL 25. Indefinitely postponed.
LEGISLATIVE BILL 26. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1. The pending DeCamp et al. amendment to the second Standing Committee amendments was considered.

Mr. Vickers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 16 nays, and 17 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. V. Johnson requested a roll call vote on the DeCamp et al. amendment.

Voting in the affirmative, 18:

Baack	DeCamp	Johnson, V.	Peterson	Schmit
Beutler	Goodrich	Labedz	Remmers	Vickers
Beyer	Haberman	Lynch	Rupp	Wesely
Conway	Hall	Marsh		

Voting in the negative, 21:

Abboud	Goll	Lamb	Nelson	Scofield
Barrett	Hannibal	Lundy	Pappas	Smith
Carsten	Harris	Miller	Pirsch	Warner
Chizek	Johnson, L.	Morehead	Rogers	Withem
Chronister				

Present and not voting, 3:

Chambers	Higgins	Johnson, R.

Excused and not voting, 7:

Eret	Hefner	Landis	Nichol	Sieck
Hartnett	Hoagland			

The DeCamp et al. amendment lost with 18 ayes, 21 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

ANNOUNCEMENT

Mr. L. Johnson announced the Building Maintenance Committee (309) will meet at 8:00 a.m. on October 31, 1985 in the Task Force for Building Renewal office on the 10th floor of the State Capitol Building.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 5. Placed on General File.

(Signed) Tom Vickers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1. Considered.

Mr. Warner requested a division of the question on the remaining Appropriations Committee amendments, AM062S, by section, in numerical order.

The Chair sustained the division of the question.

The second Standing Committee amendment is Section 2.

The second Standing Committee amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

The third Standing Committee amendment is Section 3.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The third Standing Committee amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

The fourth Standing Committee amendment is Section 4.

The fourth Standing Committee amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

The fifth Standing Committee amendment is Section 5.

The fifth Standing Committee amendment was adopted with 26 ayes, 2 nays, 13 present and not voting, and 8 excused and not voting.

The sixth Standing Committee amendment is Section 6.

The sixth Standing Committee amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

The seventh Standing Committee amendment is Section 7.

The seventh Standing Committee amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

The eighth Standing Committee amendment is Section 8.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The eighth Standing Committee amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

The ninth Standing Committee amendment is Section 9.

Messrs. Pappas and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The ninth Standing Committee amendment was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

The tenth Standing Committee amendment is Section 10.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The tenth Standing Committee amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor's Appointments:

Public Works

Babette T. Prostok (R) - State Highway Commission
John McLellan, Jr. - State Highway Commission

Banking, Commerce and Insurance

James C. Barbee - Director, NE Dept. of Banking and Finance

Miscellaneous Subjects

Forrest Chapman - Nebraska Liquor Control Commission

Government, Military and Veterans Affairs

Andrew W. Russell - Nebraska Department of Personnel

(R) Reappointment

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Messrs. R. Johnson and Vickers asked unanimous consent to print the following amendments to LB 1 in the Journal. No objections. So ordered.

(1)
Amend the Appropriations Committee amendment, AM062S:
PURPOSE
Restore Noxious Weed Program $24,010
Restore Financial Management Assistance Program $50,000

AMENDMENT
(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:
#18	027	$50,000
#18	333	$24,010

(2)
Amend the Appropriations Committee amendment, AM062S:
PURPOSE:
Restore Noxious Weed Program $24,010

AMENDMENT:
Increase the General Fund appropriation and state aid earmarking in the following agency and program:

Agency No.	Program No.	Increase General Fund Appropriation By:
18	333	$24,010

(3)

Amend the Appropriations Committee amendment, AM062S:

PURPOSE:

Restore Financial Management Assistance Program, $50,000.

AMENDMENT:

Increase the Gen. Fund appropriation and state aid earmarking in the following agency and program:

Agency No.	Program No.	Increase General Fund Appropriation By:
18	027	$50,000.

(4)

AM059S

(Amendments to Committee Amendments)

1. On page 28, line 16, strike "113,133" and insert "39,133"; and in line 18 strike "128,933" and insert "54,933".

Mr. Vickers asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM060S

(Amendments to Committee Amendments)

1. Purpose: To reinstate $30,000 for development of performance-based accreditation standards for application to public schools pursuant to Laws 1984, LB 994.

Amendment: On page 18, line 8, strike "2,141,908" and insert "2,171,908"; and in line 11 strike "19,700,571" and insert "19,730,571".

VISITORS

Visitors to the Chamber were 35 fourth grade students and teachers from Randolf School; 45 fourth grade students and sponsor from Lincoln Elementary School, Plattsmouth; Richard Helvey from Lexington; and Mrs. Marlene Snyder and Ms. Jeanne DeVore.

ADJOURNMENT

At 3:39 p.m., on a motion by Mr. Warner, the Legislature adjourned until 9:00 a.m., Wednesday, October 30, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - OCTOBER 30, 1985

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, October 30, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, Hoagland, and Sieck who were excused; and Messrs. Barrett, Chambers, V. Johnson, Landis, Lynch, Rupp, Schmit, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

MESSAGES FROM THE GOVERNOR

September 23, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Highway Commission requiring legislative confirmation:

Appointees:
Babette T. Prostok, 630 South Shore Drive, Hastings, NE 68901, 462-9400, Term: 9/23/85 to 9/14/91, Succeeds: is reappointed.
John McLellan, Jr., 1020 13th Street, Gering, NE 69341, (308)436-2248, Term: 9/23/85 to 9/14/91, Succeeds: Paul Mohr, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Highway Commission

September 25, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Nebraska Department of Banking and Finance, requiring legislative confirmation:

Appointee:
James C. Barbee, Lincoln, Nebraska, Term: September 25, 1985 - At the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 3.

GENERAL FILE

LEGISLATIVE BILL 1. Considered.

Standing Committee amendment - Sections 12, 13, 15, 17, 18, 19, 20, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 39, 40, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, and 63 was considered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Standing Committee amendment - Section 11 was considered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM060S, found in the Journal on page 70 to the Standing Committee amendment - Section 11.

Messrs. Haberman and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler	Eret	Johnson, R.	Marsh	Rogers
Chambers	Hall	Labedz	Miller	Schmit
Chizek	Harris	Landis	Nelson	Vickers
Conway	Higgins	Lynch	Pappas	

Voting in the negative, 23:

Abboud	Baack	Barrett	Beyer	Carsten

Chronister	Hartnett	Morehead	Remmers	Smith
Goll	Johnson, L.	Nichol	Rupp	Warner
Goodrich	Lamb	Peterson	Scofield	Withem
Hannibal	Lundy	Pirsch		

Excused and not voting, 7:

DeCamp	Hefner	Johnson, V.	Sieck	Wesely
Haberman	Hoagland			

The Vickers amendment lost with 19 ayes, 23 nays, and 7 excused and not voting.

Standing Committee amendment - Section 11 was adopted with 27 ayes, 7 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment - Section 16 was considered.

Messrs. R. Johnson and Vickers renewed their pending amendment (1) found in the Journal on page 69 to the Standing Committee amendment - Section 16.

Mr. Haberman requested a division of the question on the R. Johnson-Vickers amendment.

The Chair sustained the division of the question.

The first R. Johnson-Vickers amendment is as follows:
(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:
#18	333	$24,010

Mr. R. Johnson moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Vickers requested a record vote on the first R. Johnson-Vickers amendment.

Voting in the affirmative, 19:

Baack	Conway	Higgins	Lynch	Rogers
Beutler	Eret	Johnson, R.	Miller	Schmit
Chambers	Haberman	Lamb	Nelson	Vickers
Chizek	Hall	Landis	Pappas	

Voting in the negative, 24:

Abboud	DeCamp	Hartnett	Nichol	Scofield
Barrett	Goll	Johnson, L.	Peterson	Smith
Beyer	Goodrich	Lundy	Pirsch	Warner
Carsten	Hannibal	Marsh	Remmers	Withem
Chronister	Harris	Morehead	Rupp	

Excused and not voting, 6:

Hefner	Johnson, V.	Labedz	Sieck	Wesely
Hoagland				

The first R. Johnson-Vickers amendment lost with 19 ayes, 24 nays, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Conway, Beutler, DeCamp, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The second R. Johnson-Vickers amendment is as follows:
(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:
#18	027	$50,000

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Vickers requested a record vote on the second R. Johnson-Vickers amendment.

Voting in the affirmative, 26:

Baack	Haberman	Johnson, V.	Miller	Schmit
Beutler	Hall	Labedz	Nelson	Smith
Chambers	Harris	Lamb	Pappas	Vickers
Chizek	Hartnett	Lynch	Rogers	Wesely
Chronister	Johnson, R.	Marsh	Rupp	Withem
Eret				

Voting in the negative, 17:

Abboud	Goll	Landis	Nichol	Remmers
Beyer	Goodrich	Lundy	Peterson	Scofield
Carsten	Hannibal	Morehead	Pirsch	Warner
DeCamp	Johnson, L.			

Present and not voting, 1:

Higgins

Excused and not voting, 5:

Barrett	Conway	Hefner	Hoagland	Sieck

The second R. Johnson-Vickers amendment was adopted with 26 ayes, 17 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. R. Johnson and Vickers asked unanimous consent to withdraw their pending amendments (2) and (3) found in the Journal on page 69 and 70. No objections. So ordered.

Messrs. R. Johnson and Vickers renewed their pending amendment (4), AM059S, found in the Journal on page 70 to the Standing Committee amendment - Section 16.

Mr. Vickers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The R. Johnson-Vickers amendment (4) was adopted with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

VISITOR

Visitor to the Chamber was Ken Hachett from New York City.

RECESS

At 11:59 a.m., on a motion by Mr. Baack, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, Hoagland, and Sieck who were excused; and Messrs. Chambers, Conway, Schmit, Mesdames Morehead, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Rogers asked unanimous consent to be excused. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

October 29, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Nebraska Department of Economic Development, requiring legislative confirmation:

Appointee:
Rod Bates, Lincoln, Nebraska, Term: October 29, 1985 - At the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

STANDING COMMITTEE REPORT
Public Health and Welfare

The Public Health and Welfare Committee met in Executive Session on October 29, 1985 to take action on the following confirmation:

State Foster Care Review Board--Loretta McNally

Senators Wesely, Hall, Lynch, Peterson, Chronister and Withem voted aye to confirm this appointment. Senator Smith was absent.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1. Standing Committee amendment - Section 16 was renewed.

Mr. Haberman offered the following amendment to the Standing Committee amendment - Section 16:
to reduce the Dept of Ag budget to 3%

Mr. Haberman moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The Chair declared the call raised.

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Standing Committee amendment - Section 16 was adopted, as amended, with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment - Section 14 was considered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendment - Section 14:

To amend the Appropriations Committee amendment, AM062S:

PURPOSE

To restore the General Fund appropriation of the Department of Revenue to the level of LB 722 plus any A-bills passed during the 1985 Session.

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:	Increase State Aid Earmarking By:
16	102	269,689	None
	105	41,988	None
	504	7,224	None
		318,901	None

Mr. Eret asked unanimous consent to be excused. No objections. So ordered.

Messrs. Abboud and Chronister asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beutler	Harris	Labedz	Miller	Vickers
Chizek	Hartnett	Landis	Pirsch	Wesely
DeCamp	Higgins	Lynch	Rupp	Withem
Hall	Johnson, V.	Marsh		

Voting in the negative, 21:

Abboud	Barrett	Carsten	Goodrich	Hannibal
Baack	Beyer	Goll	Haberman	Johnson, L.

Johnson, R.	Morehead	Nichol	Remmers	Smith
Lamb	Nelson	Peterson	Scofield	Warner
Lundy				

Excused and not voting, 10:

Chambers	Conway	Hefner	Pappas	Schmit
Chronister	Eret	Hoagland	Rogers	Sieck

The V. Johnson amendment lost with 18 ayes, 21 nays, and 10 excused and not voting.

The Chair declared the call raised.

Standing Committee amendment - Section 14 was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Standing Committee amendment - Section 21 was considered.

Messrs. Withem and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Goodrich asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment - Section 21 lost with 16 ayes, 11 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Miller asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 140
October 30, 1985

Dear Senator Vickers:

This is in response to your opinion request of October 23, 1985.

In that letter you request an opinion on the constitutionality of an amendment you wish to propose which would give "a specified amount of discretion to agency directors to reduce individual programs within their agency's purview." Your question is whether such a lump sum budget reduction is constitutional. You indicate that your proposed amendment would be similar to an amendment previously introduced which provided that:

It is the intent of the Legislature that:

(1) Each agency director allocate the agency General Fund appropriation among the various programs of the agency;

(2) Each agency shall absorb the reduction to the General Fund appropriation made for fiscal year 1985-86 by the Beutler-Vickers amendment with the least possible adverse effect on direct services to the public; . . .

In a previous opinion dated October 29, 1975, we addressed a similar legislative proposal which also arose out of a special session seeking budget reductions. A copy of this opinion is attached. In that situation the proposed legislation would also have allowed agency directors' discretion in where to cut their own appropriations. We concluded that such legislation was an unconstitutional delegation of legislative authority and did not meet the constitutional requirements for a specific appropriation. We find that reasoning applicable here.

Article III, Section 25, of the Nebraska Constitution provides that

No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution.

Article III, Section 22, also provides that "Each Legislature shall make appropriations for the expenses of the Government."

The term "specific appropriation" has been defined on numerous occasions by our courts. In State v. Wallichs, 12 Neb. 407, 11 N.W. 806 (1882), the court indicated that: " 'specific appropriation' means a particular, a definite, a limited, a precise appropriation. . . ." In State ex rel. Cline v. Wallichs, 15 Neb. 609, 20 N.W. 110 (1884), the court further indicated that: "A specific appropriation is one expressly providing funds for a particular purpose. There can be no implied appropriation of money under our constitution, . . ." Likewise, in State V. Moore, 50 Neb. 88, 69 N.W.373 (1896), the court stated that:

An appropriation may be specific, according to any of the definitions heretofore given, when its amount is to be ascertained in the future from the collection of the revenue. It cannot be specific when it is to be ascertained only by the requisitions which

may be made by the recipients.

. . .

In State v. Moore, the court also noted that:

{T}o "appropriate" is to set apart from the public revenue a certain sum of money for a specified object, in such manner that the executive officers of the government are authorized to use that money, and no more, for that object and for no other. This definition cannot be too strict as applied to our own constitution containing the requirement that the appropriations must be specific. . . .

Your proposal would appear to be in contravention of these principles, since there would, in effect, be no specific appropriations for the various programs within the state agencies. This would in turn constitute an improper delegation of legislative authority to the agency directors to determine their own level of appropriations for the various programs within their agencies. We must therefore conclude that such an amendment would be unconstitutional.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 8.

Introduced by Chronister, 18th District.

WHEREAS, in an effort to hold their budget down, the Beemer Public School teaching staff returned this school year for the same base pay they received last year and administrators and all nonteaching personnel also returned for the same salary as last year; and

WHEREAS, the Beemer school district's valuation went down by $5,930 even though the district had a transfer of a small portion of land into the district; and

WHEREAS, the tax levy for the school district decreased from 1.6691 for the 1984-85 school year to 1.5524 for the 1985-86 school year; and

WHEREAS, the 1984-85 school year tax collections for the district were considerably less than expected; and

WHEREAS, despite these sacrifices and less than desirable circumstances the Beemer Public School has consistently maintained the quality of its school and programs reflected by (1) the fifty-three per cent of the senior class members over the last four years who have taken the ACT test and scored an accumulative average score of 21.8, (2) ten former students who attended the University of Nebraska last year who maintained a grade point average of 3.25, and (3) the fact that approximately eighty per cent of the school's graduates have attended a college, university, or trade school and ninety per cent have completed such additional schooling.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature offers its praise to the Beemer Public School, its school board, superintendent, teachers, and nonteaching personnel for recognizing the dire economic circumstances the state is in and doing an excellent job in maintaining the quality of their school.

2. That a copy of this resolution be sent to Ernest H. Heidt, Superintendent, of the Beemer Public Schools, Beemer, Nebraska 68716.

Laid over.

MOTION - Adjournment

Mr. Haberman moved to adjourn. The motion lost with 12 ayes, 14 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 1. Standing Committee amendment - Section 23 was considered.

Standing Committee amendment - Section 23 was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lamb, Chronister, Eret, Vickers, R. Johnson, Baack, Rupp, and Mrs. Morehead asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

To amend the Appropriations Committee amendment, AM062S - Section 38:

On page 78, after line 16, insert the following new language:

It is the intent of the Legislature that the Board of Regents not reduce the General Fund appropriation contained in LB 722 on July 1, 1985 to the Institute of Agriculture and Natural Resources proportionately more than the average of the other campuses specifically including the University of Nebraska School of Technical Agriculture and the Cooperative Extension Service.

VISITORS

Visitors to the Chamber were 52 fifth grade students and teacher from Oakland, Iowa.

ADJOURNMENT

At 3:45 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Thursday, October 31, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - OCTOBER 31, 1985

LEGISLATIVE JOURNAL

SEVENTH DAY - OCTOBER 31, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, October 31, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, R. Johnson, Landis, Schmit, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointment.

Banking, Commerce and Insurance

Rod Bates - Director, NE Department of Economic Development

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 6. Read. Considered.

LR 6 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 7. Read. Considered.

MR. LAMB PRESIDING

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 7 was adopted with 28 ayes, 0 nays, and 21 not voting.

MOTION - Approve Appointment

Mr. Wesely moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointment found in the Journal on page 79: Loretta McNally - State Foster Care Review Board.

Voting in the affirmative, 32:

Abboud	DeCamp	Higgins	Lynch	Rogers
Baack	Eret	Johnson, L.	Marsh	Rupp
Beyer	Goodrich	Johnson, V.	Miller	Scofield
Carsten	Hall	Lamb	Morehead	Smith
Chambers	Hannibal	Landis	Nelson	Warner
Chronister	Harris	Lundy	Remmers	Wesely
Conway	Hefner			

Voting in the negative, 0.

Present and not voting, 12:

Barrett	Goll	Pappas	Pirsch	Vickers
Beutler	Haberman	Peterson	Sieck	Withem
Chizek	Hoagland			

Excused and not voting, 5:

Hartnett	Johnson, R.	Labedz	Nichol	Schmit

This appointment was confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

MR. BEUTLER PRESIDING

MOTION - Recess Until January 8, 1986

Mr. Lynch moved to recess until January 8, 1986.

Mr. Lamb raised a point of order on whether a motion to recess is debatable.

Mr. Lynch asked unanimous consent to withdraw his pending motion to recess. No objections. So ordered.

MOTION - Postpone Consideration of LB 1

Mr. Lynch moved to postpone consideration of LB 1 until January 8, 1986.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

Mr. Lynch asked unanimous consent to withdraw his pending motion to postpone consideration of LB 1. No objections. So ordered.

MOTION - Adjourn Sine Die

Mr. Lynch moved to adjourn sine die.

Mrs. Higgins requested a record vote on the Lynch motion.

Voting in the affirmative, 5:

Chambers	Lynch	Remmers	Rupp	Sieck

Voting in the negative, 38:

Abboud	Conway	Hartnett	Marsh	Rogers
Baack	DeCamp	Hefner	Miller	Scofield
Barrett	Eret	Higgins	Morehead	Smith
Beutler	Goll	Hoagland	Nelson	Vickers
Beyer	Haberman	Johnson, L.	Pappas	Warner
Carsten	Hall	Lamb	Peterson	Wesely
Chizek	Hannibal	Landis	Pirsch	Withem
Chronister	Harris	Lundy		

Present and not voting, 3:

Goodrich Johnson, V. Labedz

Excused and not voting, 3:

Johnson, R. Nichol Schmit

The Lynch motion lost with 5 ayes, 38 nays, 3 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1. Standing Committee amendment - Section 28 was considered.

Messrs. Harris and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Hall requested a roll call vote on Standing Committee amendment - Section 28.

Voting in the affirmative, 27:

Abboud	Goll	Johnson, R.	Miller	Rogers
Barrett	Hannibal	Johnson, V.	Nelson	Scofield
Beyer	Harris	Lamb	Peterson	Sieck
Carsten	Hartnett	Landis	Pirsch	Smith
Chronister	Hefner	Lundy	Remmers	Warner
Eret	Johnson, L.			

Voting in the negative, 20:

Baack	Chizek	Goodrich	Higgins	Lynch
Beutler	Conway	Haberman	Hoagland	Morehead
Chambers	DeCamp	Hall	Labedz	Pappas

Rupp Schmit Vickers Wesely Withem

Present and not voting, 1:

Marsh

Excused and not voting, 1:

Nichol

Standing Committee amendment - Section 28 was adopted with 27 ayes, 20 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Standing Committee amendment - Section 36 was considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment - Section 36 was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

Standing Committee amendment - Section 37 was considered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Standing Committee amendment - Section 37 was adopted with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

Standing Committee amendment - Section 38 was considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Standing Committee amendment - Section 38 was adopted with 26 ayes, 13 nays, 7 present and not voting, and 3 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment - Section 41 was considered.

Standing Committee amendment - Section 41 was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Standing Committee amendment - Section 47 was considered.

Standing Committee amendment - Section 47 was adopted with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment - Section 60 was considered.

Standing Committee amendment - Section 60 was adopted with 32 ayes, 2 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment to LB 1:
Strike Section 36.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Lynch and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

The Chair requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 4:

Chambers Chizek Higgins Pirsch

Voting in the negative, 31:

Abboud	Goll	Hoagland	Marsh	Schmit
Baack	Goodrich	Johnson, L.	Morehead	Scofield
Barrett	Hall	Johnson, V.	Nelson	Smith
Beutler	Hannibal	Labedz	Remmers	Warner
Beyer	Harris	Lamb	Rogers	Wesely
Carsten	Hefner	Lundy	Rupp	Withem
Eret				

Present and not voting, 9:

Chronister	DeCamp	Landis	Pappas	Vickers
Conway	Johnson, R.	Miller	Sieck	

Excused and not voting, 5:

Haberman	Hartnett	Lynch	Nichol	Peterson

The Chambers amendment lost with 4 ayes, 31 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment to LB 1:
Strike §37.

Messrs. Wesely, Schmit, and Sieck asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed.

The Chair requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 6:

Chambers	Eret	Higgins	Hoagland	Johnson, V.
Chizek				

Voting in the negative, 28:

Abboud	Chronister	Johnson, L.	Nelson	Scofield
Baack	Goll	Labedz	Pirsch	Smith
Barrett	Hall	Lamb	Remmers	Vickers
Beutler	Hannibal	Lundy	Rogers	Warner
Beyer	Harris	Marsh	Rupp	Withem
Carsten	Hefner	Miller		

Present and not voting, 7:

Conway	Goodrich	Landis	Morehead	Pappas
DeCamp	Johnson, R.			

Excused and not voting, 8:

Haberman	Lynch	Peterson	Sieck	Wesely
Hartnett	Nichol	Schmit		

The Chambers amendment lost with 6 ayes, 28 nays, 7 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:
Strike §38.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed.

The Chair requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 9:

Beutler	Chizek	Hoagland	Rupp	Wesely
Chambers	Higgins	Johnson, V.	Schmit	

Voting in the negative, 26:

Abboud	Eret	Hefner	Marsh	Rogers
Baack	Goll	Johnson, L.	Miller	Scofield
Barrett	Hall	Labedz	Nelson	Smith
Beyer	Hannibal	Lamb	Pirsch	Vickers
Carsten	Harris	Lundy	Remmers	Warner
Chronister				

Present and not voting, 8:

Conway	Goodrich	Landis	Pappas	Withem
DeCamp	Johnson, R.	Morehead		

Excused and not voting, 6:

Haberman	Lynch	Nichol	Peterson	Sieck
Hartnett				

The Chambers amendment lost with 9 ayes, 26 nays, 8 present and not voting, and 6 excused and not voting.

The Chair requested a roll call vote on the advancement of LB 1.

Voting in the affirmative, 36:

Abboud	DeCamp	Higgins	Marsh	Rupp
Baack	Eret	Hoagland	Miller	Scofield
Barrett	Goll	Johnson, L.	Morehead	Smith
Beutler	Hall	Johnson, R.	Nelson	Vickers
Beyer	Hannibal	Labedz	Pirsch	Warner
Carsten	Harris	Lamb	Remmers	Wesely
Chizek	Hefner	Lundy	Rogers	Withem
Conway				

Voting in the negative, 3:

Chambers	Johnson, V.	Schmit

Present and not voting, 4:

Chronister	Goodrich	Landis	Pappas

Excused and not voting, 6:

Haberman	Lynch	Nichol	Peterson	Sieck
Hartnett				

Advanced to E & R for Review with 36 ayes, 3 nays, 4 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 9.

Introduced by DeCamp, 40th District.

WHEREAS, the Farm Credit System, which includes the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, and the Production Credit Associations, is in a state of near-collapse as a result of imprudent lending policies, inefficiency and gross mismanagement; and

WHEREAS, the Farm Credit System is a private entity, totally separate from and unassociated with the federal government, which

competes as a private enterprise with other non-governmental lending institutions engaged in agricultural finance; and

WHEREAS, the Farm Credit System has asked the federal government for a multi-billion dollar bailout to keep the Farm Credit System from becoming insolvent; and

WHEREAS, any infusion of federal resources into the Farm Credit System would ultimately benefit only those who have invested in the Farm Credit System through the purchase of bonds issued by the Federal Farm Credit Banks Funding Corporation, and would therefore discriminate unfairly against investors in financial institutions which compete with the Farm Credit System, and which are facing the same economic hardships as the Farm Credit System.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE 89TH LEGISLATURE, SECOND SPECIAL SESSION, that the Nebraska Legislature condemns the use of federal funds to assist the Farm Credit System, unless such funds shall also be used to aid, in a fair and equitable manner, other non-governmental lending institutions engaged in agricultural finance.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

Governor Appointments Thursday, November 7, 1985 2:00 p.m.
James C. Barbee - Director of the Department of Banking and Finance
Rodney L. Bates - Director of the Department of Economic Development

(Signed) John DeCamp, Chairperson

Public Works

Governor Appointments Thursday, November 7, 1985 7:00 p.m.
Babette T. Prostok - State Highway Commission (R)
John McLellan, Jr. - State Highway Commission

(Signed) Loran Schmit, Chairperson

ADJOURNMENT

At 1:18 p.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Monday, November 4, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - NOVEMBER 4, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, November 4, 1985

Pursuant to adjournment, the Legislature met at 9:09 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Haberman, Hartnett, R. Johnson, V. Johnson, Landis, Lynch, Rupp, Sieck, Withem, Mesdames Higgins, Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File as amended.
E & R amendments to LB 1:
AM5181

1. In the Standing Committee amendments,
AM062S:
a. In amendment 16 adopted October 30, 1985:
i. On page 25, line 17, strike "780,812" and

insert "830,812";

ii. On page 26, line 4, strike the first "Session"; and

iii. On page 29, line 15, strike "3,019,820" and insert "2,995,820"; and in line 19 strike "7,953,519" and insert "7,929,519";

b. In amendment 34 adopted on October 30, 1985, on page 69, line 15, strike "Television" and insert "Telecommunications";

c. In amendment 37 adopted on October 31, 1985:

i. On page 74, line 2, after "the" insert "Nebraska"; and

ii. On page 75, line 20, strike "revenues" and insert "revenue forms";

d. In amendment 47 adopted on October 31, 1985, on page 99, line 19, strike "July" and insert "June";

e. In amendment 59 adopted on October 30, 1985, on page 112, line 4, strike the underscored semicolon and insert an underscored period, and in line 7 strike the underscored period and insert an underscored semicolon;

f. In amendment 62 adopted October 30, 1985, on page 113, line 26, strike "16" and insert "6"; and

g. Strike amendment 63 adopted October 30, 1985.

2. On page 38, strike beginning with "That" in line 3 through "Sec. 23." in line 5; and underscore beginning with "Agency" in line 5 through line 27.

3. On pages 39 through 47, strike the stricken matter and underscore the remaining matter.

(Signed) Timothy Hall, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 6 and LR 7.

MESSAGE FROM THE GOVERNOR

November 1, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission on Industrial Relations requiring legislative confirmation:

Appointee:
Thom K. Cope, Attorney At Law, 211 North 12th Street, Suite 400, Lincoln, NE 68508, 476-8877(o), 483-5511(h), Term: 11/1/85 to 6/9/91, Succeeds: John Gradwohl, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services

ATTORNEY GENERAL'S OPINION

Opinion No. 141
November 1, 1985

Dear Senator Schmit:

This is in response to your letter of September 12, 1985. In that letter you ask "To what extent does the Crime Commission, by and through its Executive Director, control the operations or decision-making authority of the Jail Standards Board in light of the current statutory scheme and the legislative intent of LB 328?"

LB 328 was enacted in 1981. As you well know, it is our policy to provide legislators with opinions pertaining only to proposed or pending legislation, and not to provide opinions which interpret existing statutes. An exception to this policy is where the interpretation of the existing statutory law relates directly to the proposed legislation. We find that to be the case in this instance.

As a result of LB 328, Neb.Rev.Stat. §81-1423 (Reissue 1981)

provides that the Crime Commission shall have authority to "(15) Exercise budgetary and administrative control over the Crime Victim's Reparations Board and the Jail Standards Board; . . ." Neb.Rev.Stat. §83-4,124 (Reissue 1981) likewise provides that "To further such policy, the Jail Standards Board is hereby created. For administrative and budgetary purposes such board shall be within the Nebraska Commission on Law Enforcement and Criminal Justice." In addition, §81-1425(2) (Reissue 1981) provides that the Executive Director of the Crime Commission shall "Establish a Jail Standards subdivision within the commission . . ." In conjunction with this Neb.Rev.Stat. §83-4,131 (Reissue 1981) provides that "Personnel of the Nebraska Commission on Law Enforcement and Criminal Justice shall visit and inspect each criminal detention facility in the state for the purpose of determining the conditions of confinement, the treatment of prisoners, and whether such facilities comply with the minimum standards established by the board."

It seems reasonably clear from these statutes that the Crime Commission provides only budgetary and administrative control for the Jail Standards Board. Neb.Rev.Stat. §81-1425(2) does not place the Jail Standards Board itself as a subdivision of the Crime Commission, but only places the prior staff of the Jail Standards Board under the Executive Director of Crime Commission. Thus, under §83-4,131 it is now the staff of the Crime Commission which provides support to the Jail Standards Board. Apart from general budgetary and administrative control by the Crime Commission, which in particular includes control over the former staff of the Jail Standards Board by the Executive Director of the Crime Commission, the Jail Standards Board itself remains an autonomous board in terms of the exercise of its discretion and decision-making authority regarding its particular statutory duties. This interpretation would likewise appear to be consistent with the legislative history of LB 328.

We are not in a position to determine whether or not further statutory clarification is needed in regard to the respective roles and authority of the Crime Commission and the Jail Standards Board. This is a determination that should be made by the Legislature in coordination with the Crime Commission and the Jail Standards Board.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg

cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 8. Read. Considered.

Mr. Chronister requested a record vote on LR 8.

Voting in the affirmative, 28:

Abboud	Chronister	Hefner	Morehead	Rogers
Baack	DeCamp	Johnson, L.	Nelson	Scofield
Barrett	Eret	Lamb	Nichol	Smith
Beutler	Hall	Lundy	Peterson	Warner
Beyer	Hannibal	Marsh	Remmers	Wesely
Carsten	Harris	Miller		

Voting in the negative, 0.

Present and not voting, 9:

Chambers	Conway	Goodrich	Pappas	Vickers
Chizek	Goll	Labedz	Schmit	

Excused and not voting, 12:

Haberman	Hoagland	Landis	Pirsch	Sieck
Hartnett	Johnson, R.	Lynch	Rupp	Withem
Higgins	Johnson, V.			

LR 8 was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE RESOLUTION 9. Read. Considered.

Messrs. Beutler, Schmit, Vickers, and Rogers offered the following amendment to LR 9:

I move to amend LR 9 by striking all the contents except for the 3rd WHEREAS paragraph and insert the following:

WHEREAS, the agricultural downturn has been marked by rapidly dropping farmland values, loss of overseas markets for the United States commodities and depressed crop prices; and

WHEREAS, the Farm Credit System deals exclusively in farm loans, and has experienced its greatest losses in its history, due to the

downturn in the agricultural economy; and

WHEREAS, the deterioration in the agricultural economy has grown beyond the ability of the Farm Credit System to absorb the losses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Nebraska Legislature ask Congress and the President to take appropriate action, including financial assistance, to assure a stable Farm Credit System.

2. That the Nebraska Legislature understands that the Federal Government may have no legal obligation to provide such assistance, but requests such assistance in response to a moral obligation to the farmers of Nebraska and the several states.

3. That the Clerk of the Legislature is directed to send copies of this Resolution to all Nebraska representatives in Congress and to the President of the United States.

Pending.

GENERAL FILE

LEGISLATIVE BILL 3. Considered.

Mrs. Marsh offered the following amendment:
AM066S

1. On page 2, line 18, strike "twenty-three" and insert "twenty-five"; and in line 24, strike "Eighteen" and insert "Twenty".

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Marsh amendment:

Strike 7¢ and insert 10¢.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed

with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Chambers	Hartnett	Marsh

Voting in the negative, 40:

Abboud	Conway	Harris	Lundy	Rogers
Baack	DeCamp	Hefner	Miller	Rupp
Barrett	Eret	Higgins	Nelson	Scofield
Beutler	Goll	Johnson, L.	Nichol	Sieck
Beyer	Goodrich	Johnson, V.	Pappas	Smith
Carsten	Haberman	Labedz	Peterson	Warner
Chizek	Hall	Lamb	Pirsch	Wesely
Chronister	Hannibal	Landis	Remmers	Withem

Present and not voting, 1:

Morehead

Absent and not voting, 1:

Vickers

Excused and not voting, 4:

Hoagland	Johnson, R.	Lynch	Schmit

The Chambers amendment lost with 3 ayes, 40 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Marsh amendment lost with 5 ayes, 26 nays, 13 present and not voting, and 5 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 8.

GENERAL FILE

LEGISLATIVE BILL 3. Mr. Hefner offered the following amendment:
AM072S

(Amendments to Standing Committee Amendments)

1. Insert the following new amendment:
"1. On page 6, line 17; and page 7, line 11, strike 'three' and reinstate the stricken 'five'."
2. Renumber the remaining amendments accordingly.

Mr. DeCamp requested a ruling of the Chair on whether the subject matter of the Hefner amendment is within the scope of the Governor's Call into Special Session.

The Chair ruled the subject matter of the Hefner amendment is within the Call.

Mr. DeCamp requested a ruling of the Chair on whether LB 3 is within the scope of the Governor's Call into Special Session.

The Chair ruled that LB 3 is within the scope of the Governor's Call.

Mr. DeCamp challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

MR. BEUTLER PRESIDING

Messrs. Barrett and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 3:

DeCamp Hartnett Hefner

Voting in the negative, 29:

Abboud	Chronister	Johnson, L.	Miller	Scofield
Baack	Conway	Johnson, V.	Morehead	Sieck
Beyer	Eret	Landis	Nelson	Smith
Carsten	Goll	Lundy	Pirsch	Wesely
Chambers	Hall	Lynch	Remmers	Withem
Chizek	Harris	Marsh	Rupp	

Present and not voting, 11:

Beutler	Hannibal	Labedz	Nichol	Rogers
Goodrich	Higgins	Lamb	Pappas	Warner
Haberman				

Excused and not voting, 6:

Barrett	Johnson, R.	Peterson	Schmit	Vickers
Hoagland				

The DeCamp motion lost with 3 ayes, 29 nays, 11 present and not voting, and 6 excused and not voting.

SPEAKER NICHOL PRESIDING

The Hefner amendment to LB 3 is pending.

MOTION - Proposed Rule Change

Mr. Haberman moved to amend Rule 9 by adding the following new section:

Sec. 9. Resolutions shall not be introduced, considered or acted upon during the course of a special session. Resolutions shall include all those resolutions other than those defined in Rule 4, Section 2.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM069S

(Amendments to AM062S)

1. On page 19, line 2, after the period insert "It is the intent of the Legislature that the State Department of Education may use funds appropriated

to Program 508 to implement the performance-based accreditation standards prescribed in section 79-1247.02.".

RESOLUTION

LEGISLATIVE RESOLUTION 10.

Introduced by Scofield, 49th District.

WHEREAS, the Cooperative Block Building in Crawford has been officially listed in the National Register of Historic Places; and

WHEREAS, the Cooperative Block Building has contributed to the economy and architectural history of the Crawford community since it was constructed in 1909; and

WHEREAS, the Cooperative Block Building is a unique example of commercial Victorian architecture using reinforced concrete construction; and

WHEREAS, this method of construction represents an innovative type of building design for the Panhandle Region; and

WHEREAS, the Cooperative Block Building has been commercially significant in the Crawford community for seventy years through its association with the Crawford Cooperative Company and presently through the efforts of Tom Spence, Donna Spence, and Bill Hall who have established O'Doherty's Restaurant in the Cooperative Block Building.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature commends the great city of Crawford and the surrounding area for its use and preservation of the Cooperative Block Building.

2. That the Legislature congratulates the Nebraska Historical Society and the great city of Crawford on the listing of the Cooperative Block Building in the National Register of Historic Places.

3. That a copy of this resolution be sent to the city of Crawford and O'Doherty's Restaurant, Crawford, NE 69339.

Laid over.

RECESS

At 11:55 a.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Hoagland, and Sieck who were excused; and Messrs. Beutler, Harris, Lamb, Schmit, Wesely, Mesdames Higgins, Labedz, Marsh, and Morehead who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 3. The Hefner pending amendment was renewed.

Mrs. Marsh moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mrs. Marsh requested a roll call vote on the Hefner amendment.

Voting in the affirmative, 30:

Abboud	Conway	Hall	Lamb	Remmers
Baack	DeCamp	Hannibal	Landis	Rogers
Barrett	Eret	Hefner	Lundy	Rupp
Beyer	Goll	Higgins	Morehead	Smith
Carsten	Goodrich	Johnson, L.	Nelson	Vickers
Chronister	Haberman	Labedz	Pappas	Warner

Voting in the negative, 9:

Chambers	Johnson, V.	Marsh	Nichol	Withem
Johnson, R.	Lynch	Miller	Wesely	

Present and not voting, 4:

Chizek	Peterson	Pirsch	Scofield

Excused and not voting, 6:

Beutler	Hartnett	Hoagland	Schmit	Sieck
Harris				

The Hefner amendment was adopted with 30 ayes, 9 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson offered the following amendment:
to amend LB 3 by lowering the wholesale discount to 4%.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The V. Johnson amendment was adopted with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Baack	Hall	Landis	Nelson	Scofield
Barrett	Hannibal	Lundy	Nichol	Vickers
Chambers	Harris	Lynch	Peterson	Warner
Chronister	Johnson, L.	Marsh	Pirsch	Wesely
Goll	Johnson, R.	Miller	Rogers	Withem
Goodrich	Johnson, V.			

Voting in the negative, 17:

Abboud	Conway	Hefner	Lamb	Remmers
Beyer	DeCamp	Higgins	Morehead	Rupp
Carsten	Eret	Labedz	Pappas	Smith
Chizek	Haberman			

Excused and not voting, 5:

Beutler	Hartnett	Hoagland	Schmit	Sieck

Advanced to E & R for Review with 27 ayes, 17 nays, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 5 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 14. Title read. Considered.

Standing Committee amendments, AM047S, found in the Journal on page 38 for the Fourth Day were considered.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. DeCamp and Lamb offered the following amendment to the Standing Committee amendments:
LB 14 amend committee amendment
Page 1
Line 8 strike "one million" and insert "Five Hundred Thousand"
Line 11 Strike "Five" and insert "Two and One Half."

Messrs. DeCamp and Lamb asked unanimous consent to withdraw their pending amendment. No objections. So ordered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Standing Committee amendments were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM070S

(Amendments to Standing Committee Amendments)

1. On page 8, after line 6 insert:

"It is the intent of the Legislature that the reductions in the appropriation to this program include a reduction of funds reserved to conduct county and other political subdivision audits.".

Mr. Warner asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM073S

1. Insert the following new sections:

"Sec. 60. Expenditure of cash funds appropriated in this act shall be limited to the amount shown by program except when specific exceptions are made. The amounts appropriated in this act include the funds listed in Laws 1985, LB 722, section 88.

Sec. 61. Expenditure of federal funds appropriated in this act shall not be limited to the amount shown. Any federal funds, not otherwise appropriated, any additional federal funds made available to the credit of the State Treasurer, and any amounts on hand in any such federal funds on the effective date of this act are hereby appropriated to the expending agency designated by the federal government or, if none be designated, to such expending agency as may be designated by the Governor.

Sec. 62. Expenditure of revolving funds appropriated in this act shall be limited to the amount shown by program except when specific exceptions are made. The amounts appropriated in this act include the funds listed in Laws 1985, LB 722, section 90.

Sec. 63. The director of Administrative Services shall draw warrants upon the proper fund in the State Treasury for an amount not to exceed the appropriations set forth in this act upon presentation of proper documentation. The State Treasurer shall pay the warrants out of the appropriate funds.

Sec. 64. For purposes of this act, the definitions and provisions found in Laws 1985, LB 722, sections 95 and 96, shall apply.

Sec. 65. There is hereby appropriated for the period of July 1, 1985, to June 30, 1986, to each agency for each program from the respective funds for the salaries, wages, and expenses of general operations of

state government, state aid, and postsecondary education the sums set out in this act except as otherwise appropriated.".

2. Renumber the remaining sections accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

Increase Appropriation to Program 027 in Department of Agriculture Agency 18 by 30,000. For the purpose of restoring Predator Control Program.

VISITORS

Visitors to the Chamber were 7 members of U.N.L. Wildlife Club; and 35 students from the University of Nebraska-Lincoln.

ADJOURNMENT

At 4:11 p.m., on a motion by Mr. Eret, the Legislature adjourned until 9:00 a.m., Tuesday, November 5, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - NOVEMBER 5, 1985

LEGISLATIVE JOURNAL

NINTH DAY - NOVEMBER 5, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, November 5, 1985

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland and Mrs. Marsh who were excused; and Messrs. Beutler, Chambers, V. Johnson, Schmit, Sieck, Withem, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused November 5, 6, and 7, 1985. No objections. So ordered.

EASE

The Legislature was at ease from 9:12 a.m. until 9:19 a.m.

SELECT FILE

LEGISLATIVE BILL 6. Mr. Abboud offered the following amendment:

Amend LB 6 as follows on page 2 lines 6 and 27, page 3 line 16, page 4 line 9, page 5 lines 13 and 26 strike "77-3507" and add "77-3506.01". On page 4 line 17 strike "77-3507" and add "77-3506.01 or".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Abboud amendment lost with 6 ayes, 19 nays, 14 present and not voting, and 10 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Higgins moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Higgins requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Baack	Goodrich	Johnson, R.	Nichol	Schmit
Barrett	Hall	Lamb	Pappas	Scofield
Carsten	Hannibal	Landis	Peterson	Sieck
Chizek	Harris	Lundy	Pirsch	Smith
Chronister	Hartnett	Miller	Remmers	Vickers
Conway	Hefner	Morehead	Rogers	Warner
Goll	Johnson, L.	Nelson	Rupp	Wesely

Voting in the negative, 6:

Abboud	DeCamp	Eret	Haberman	Higgins
Beyer				

Excused and not voting, 8:

Beutler	Hoagland	Labedz	Marsh	Withem
Chambers	Johnson, V.	Lynch		

Advanced to E & R for Engrossment with 35 ayes, 6 nays, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1. E & R amendments, AM5181, found in the Journal on page 97 for the Eighth Day were adopted.

Mr. Warner offered the following Appropriations Committee amendment:

To amend LB 1 as amended by the Appropriations Committee amendment, AM062S:

PURPOSE

To reduce the cut to the Nebraska State College System General Fund appropriation from 3% ($796,849) to 2% ($531,232).

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:	Increase State Aid Earmarking By:
49	48	2,273	
50-1	800	57,212	3,658 (p.73 line 17)
50-2	810	112,145	7,598 (p. 74 line 23)
50-2	810		704 (p. 74 line 26)
50-3	820	32,899	1,760 (p. 76 line 11)
50-4	830	61,088	3,542 (p. 77 line 6)

SPEAKER NICHOL PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. DeCamp requested a record vote on the Appropriations Committee amendment.

Voting in the affirmative, 28:

Baack	Carsten	Conway	Hall	Hartnett
Barrett	Chizek	Goll	Hannibal	Johnson, L.
Beutler	Chronister	Goodrich	Harris	Johnson, R.

Landis	Nelson	Rupp	Smith	Wesely
Miller	Peterson	Scofield	Warner	Withem
Morehead	Rogers	Sieck		

Voting in the negative, 12:

Abboud	Eret	Higgins	Lamb	Pappas
Beyer	Haberman	Labedz	Lundy	Remmers
DeCamp	Hefner			

Present and not voting, 4:

Nichol	Pirsch	Schmit	Vickers

Excused and not voting, 5:

Chambers	Hoagland	Johnson, V.	Lynch	Marsh

The Appropriations Committee amendment was adopted with 28 ayes, 12 nays, 4 present and not voting, and 5 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointment.

Business and Labor

Thom K. Cope-Commission on Industrial Relations

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 3. Placed on Select File as amended.
E & R amendments to LB 3:
AM5183

1. In lieu of the V. Johnson amendment adopted November 4, 1985:
   a. Strike the Hefner amendment, AM072S, adopted November 4, 1985; and
   b. On page 6, line 17; and page 7, line 11,

strike "three" and insert "four".

2. On page 1, line 8, strike the second "an" and strike the second "date" and insert "dates".

LEGISLATIVE BILL 5. Placed on Select File as amended.
E & R amendment to LB 5:
AM5182

1. On page 1, line 7, strike "certain" and insert "qualification"; and in line 8 strike "instructors" and insert "funds".

LEGISLATIVE BILL 14. Placed on Select File as amended.
E & R amendments to LB 14:
AM5184

1. In the Standing Committee amendments, AM047S, adopted November 4, 1985, on page 1, line 7, strike "is" and insert "shall be".

2. On page 1, strike beginning with "Reissue" in line 2 through "Act" in line 4 and insert "Revised Statutes Supplement, 1984".

3. On page 11, lines 4 and 13 strike "Reissue"; in lines 5 and 14 strike "of Nebraska, 1943" and insert "Supplement, 1984"; and in line 7 strike "13" and insert "2".

(Signed) Timothy Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 11.

Introduced by Wesely, 26th District; Landis, 46th District; Beutler, 28th District; Warner, 25th District; Harris, 27th District.

WHEREAS, November 1, 1985 marks the second anniversary of the collapse of Commonwealth Savings Company; and

WHEREAS, during the 1985 regular session the Nebraska Legislature appropriated $8.5 million to settle the tort claim filed by the Commonwealth Receivership on behalf of the Commonwealth depositors; and

WHEREAS, the Nebraska Legislature, recognizing the urgency in resolving the Commonwealth issue, met in Special Session in September to correct a technical error in the tort claim legislation before the September 27th court date scheduled to consider dispensing some of the funds to depositors; and

WHEREAS, the District Court determined that it was not in the best interests of Commonwealth depositors to dispense any funds until a formal vote had been taken on a proposed reorganization plan; and

WHEREAS, the timetable set forth by the Department of Banking and Finance, as receiver for the depositors, delays any potential receipt of funds by depositors until mid-March; and

WHEREAS, many of the depositors are in great need of access to their savings which have been frozen now for more than two years;

NOW, THEREFORE, BE IT RESOLVED BY THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

That the Nebraska Legislature encourages the Department of Banking and Finance and the Lancaster County District Court to speed up the timetable and complete a vote on reorganization as soon as possible, in order that depositors have a chance to express their preference as to whether to reorganize or liquidate Commonwealth, and then, whichever course of action is pursued, depositors can begin receiving some of their funds as quickly as possible.

Laid over.

VISITORS

Visitors to the Chamber were 18 fourth grade students and teachers from Catholic Southeast, Omaha; and 38 UNO students and coordinator from Omaha.

RECESS

At 11:50 a.m., on a motion by Mr. Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland and Mrs. Marsh who were excused; and Messrs. Landis and Lynch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1. Mr. Warner offered the following Appropriations Committee amendment:

(2)

To amend LB 1 as amended by the Appropriations Committee amendment, AM062S:

PURPOSE

To reduce the cut to the University of Nebraska from 3% ($4,955,275) to 2% ($3,303,516).

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Increase General Fund Appropriation By:	Increase State Aid Earmarking By:
51		
Central Administration Services	$ 52,707	$ 1,805 (p. 78, line 2)
University of Nebraska-Lincoln	$899,222	$18,997 (p. 82, line 2)
		$34,930 (p. 82, line 4)
Program 715	$307,484	$18,997 (p. 82, line 18)
		$ 3,139 (p. 82, line 20)
UNO	$227,601	$16,804 (p. 83, line 3)
UNMC	$472,229	$ 6,221 (p. 83, line 12)

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 12 nays, and 18 not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mrs. Higgins requested a record vote on the Appropriations Committee amendment.

Voting in the affirmative, 28:

Abboud	Chronister	Hartnett	Nichol	Sieck
Baack	Conway	Johnson, L.	Pirsch	Smith
Barrett	Goll	Johnson, R.	Rogers	Warner
Beutler	Goodrich	Johnson, V.	Rupp	Wesely
Carsten	Hannibal	Landis	Scofield	Withem
Chizek	Harris	Morehead		

Voting in the negative, 16:

Beyer	Hall	Labedz	Miller	Peterson
DeCamp	Hefner	Lamb	Nelson	Remmers
Eret	Higgins	Lundy	Pappas	Schmit
Haberman				

Present and not voting, 1:

Vickers

Excused and not voting, 4:

Chambers	Hoagland	Lynch	Marsh

The Appropriations Committee amendment was adopted with 28 ayes, 16 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following Appropriations Committee amendment:

(3)

To amend LB 1 as amended by the Appropriations Committee amendment, AM062S:

PURPOSE

Continue General Funds for Apiary Program until April 1, 1986.

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:	Increase State Aid Earmarking By:
18	333	$15,000	

Pending.

Messrs. R. Johnson, Abboud, and Schmit asked unanimous consent

to be excused until they return. No objections. So ordered.

Mr. Miller asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins moved to bracket LB 1 until December 24, 1985.

The Higgins motion lost with 2 ayes, 16 nays, 23 present and not voting, and 8 excused and not voting.

The pending Appropriations Committee amendment was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Messrs. Lamb, Chronister, Eret, Vickers, R. Johnson, Baack, Rupp, and Mrs. Morehead renewed their pending amendment found in the Journal on page 84.

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lamb moved to adjourn until 9:00 a.m.

Mrs. Higgins moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

The motion to adjourn lost with 7 ayes, 25 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Baack	Eret	Lamb	Peterson	Rupp
Barrett	Haberman	Morehead	Pirsch	Sieck
Beyer	Harris	Nelson	Remmers	Smith
Chronister	Hefner	Nichol	Rogers	Vickers
DeCamp				

Voting in the negative, 17:

Abboud	Beutler	Carsten	Chizek	Goll

Goodrich	Johnson, L.	Lundy	Pappas	Wesely
Hall	Johnson, V.	Lynch	Warner	Withem
Hannibal	Landis			

Present and not voting, 3:

Conway	Hartnett	Higgins

Excused and not voting, 8:

Chambers	Johnson, R.	Marsh	Schmit	Scofield
Hoagland	Labedz	Miller		

The Lamb et al. amendment lost with 21 ayes, 17 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely and Mrs. Nelson offered the following amendment:

To amend the Appropriations Committee amendment, AM062S:

PURPOSE

Restore $60,000 General Funds for Technical Assistance Center
Restore $200,000 General Funds for Research Funds
Reduce $200,000 Cash Fund appropriation

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:	Increase State Aid Earmarking By:
72	604	$60,000	
72	604	$200,000	

(2) Decrease the Cash Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Decrease General Fund Appropriation By:	Decrease State Aid Earmarking By:
72	604	$200,000	

Mr. Wesely requested a division of the question on the

Wesely-Nelson amendment.

The Chair sustained the division of the question.

The first Wesely-Nelson amendment is as follows:

To amend the Appropriations Committee amendment, AM062S:

PURPOSE

1) Restore $60,000 General Funds for Technical Assistance Center

AMENDMENT

1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:	Increase State Aid Earmarking By:
72	604	$60,000	

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Wesely requested a roll call vote on the first Wesely-Nelson amendment.

Voting in the affirmative, 19:

Beutler	Hall	Landis	Nichol	Smith
Chizek	Harris	Lynch	Pappas	Wesely
Conway	Hartnett	Morehead	Rogers	Withem
Eret	Hefner	Nelson	Sieck	

Voting in the negative, 17:

Baack	DeCamp	Hannibal	Lamb	Remmers
Barrett	Goll	Johnson, L.	Lundy	Vickers
Beyer	Goodrich	Johnson, V.	Peterson	Warner
Carsten	Haberman			

Present and not voting, 3:

Chronister Higgins Pirsch

Excused and not voting, 10:

Abboud	Hoagland	Labedz	Miller	Schmit
Chambers	Johnson, R.	Marsh	Rupp	Scofield

The first Wesely-Nelson amendment lost with 19 ayes, 17 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to withdraw the remainder of the Wesely-Nelson amendment. No objections. So ordered.

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely offered the following amendment:

To amend the Appropriations Committee amendment AM062S:

On page 99, after line 21, insert the following: "The Department of Economic Development may continue operation of the Technical Assistance Center."

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Wesely amendment was adopted with 26 ayes, 10 nays, 3 present and not voting, and 10 excused and not voting.

Mr. Sieck moved to adjourn. The motion lost with 14 ayes, 19 nays, and 16 not voting.

Messrs. Chronister and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb offered the following amendment:

To amend the Appropriations Committee amendment, AM062S:

PURPOSE

Reinstate permanent staff at Victoria Springs State Recreation Area and reallocate the reduction as an unspecified cut in program 617.

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:	Increase State Aid Earmarking By:
33	549	19,442	

(2) Decrease the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Decrease General Fund Appropriation By:	Decrease State Aid Earmarking By:
33	617	19,442	

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Eret	Lamb	Nichol	Rogers
Baack	Goodrich	Lynch	Pirsch	Sieck
Barrett	Hartnett	Morehead	Remmers	Vickers
DeCamp	Hefner	Nelson		

Voting in the negative, 18:

Beutler	Hall	Johnson, L.	Pappas	Warner
Carsten	Hannibal	Johnson, V.	Scofield	Wesely
Chizek	Harris	Landis	Smith	Withem
Goll	Higgins	Lundy		

Present and not voting, 2:

Beyer	Conway

Excused and not voting, 11:

Chambers	Hoagland	Labedz	Miller	Rupp
Chronister	Johnson, R.	Marsh	Peterson	Schmit
Haberman				

The Lamb amendment lost with 18 ayes, 18 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Sieck asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM069S, found in the Journal on page 105.

The Vickers amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Messrs. Landis, Vickers, and R. Johnson offered the following amendment:

To amend the Appropriations Committee amendment, AM062S:

PURPOSE

Restore funds to Agricultural Statistics Division of State Department of Agriculture

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:
18	385	$24,010

The Landis-Vickers-R. Johnson amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

To amend LB 1 as amended by the Appropriations Committee amendment, AM062S:

PURPOSE

To restore the General Fund appropriation of the Department of Revenue to the level of LB 722 plus any A-bills passed during the 1985 Session.

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:	Increase State Aid Earmarking By:
16	102	269,689	None
	105	41,988	None
	504	7,224	None
		318,901	

UNANIMOUS CONSENT - Member Excused

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1. Mr. Warner renewed his pending amendment, AM070S, found in the Journal on page 109.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Warner renewed his pending amendment, AM073S, found in the Journal on page 110.

The Warner amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

VISITORS

Visitors to the Chamber were Reverend Edwin and Marilyn Henning from Rosemont Alliance Church, Lincoln.

ADJOURNMENT

At 4:59 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Wednesday, November 6, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - NOVEMBER 6, 1985

LEGISLATIVE JOURNAL

TENTH DAY - NOVEMBER 6, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, November 6, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland and Mrs. Marsh who were excused; and Messrs. Abboud, Chambers, Goodrich, R. Johnson, V. Johnson, Rupp, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 6.

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 7. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM089S.)

(Signed) Chris Beutler
(for) Peter Hoagland, Chairperson

GENERAL FILE

LEGISLATIVE BILL 7. Title read. Considered.

Standing Committee amendments, AM089S, printed separate from the Journal and referred to in this day's Journal were adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. V. Johnson offered the following amendment:
To strike subsection 2 of Section 14 of the Committee Amendments of LB 7.

The V. Johnson amendment lost with 8 ayes, 17 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Beutler	Hannibal	Labedz	Nichol	Scofield
Beyer	Harris	Lamb	Pirsch	Sieck
Carsten	Hartnett	Lundy	Remmers	Smith
Chizek	Higgins	Miller	Rogers	Warner
Chronister	Johnson, L.	Morehead	Rupp	Wesely
Goll	Johnson, V.	Nelson	Schmit	Withem
Hall				

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Baack	Conway	Eret	Hefner	Landis
Barrett	DeCamp	Haberman	Johnson, R.	Lynch

Pappas Peterson Vickers

Excused and not voting, 4:

Abboud Goodrich Hoagland Marsh

Advanced to E & R for Review with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

Mr. V. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 144
November 5, 1985

Dear Senator DeCamp:

You have requested our opinion regarding whether a portion of LB 3, introduced at the present special legislative session, is outside the scope of the Governor's call.

Generally, LB 3 provides for an increase in the amount of the state cigarette tax. Your question concerns whether Section 3 of the bill, which would reduce the wholesalers' discount rate from 5 percent to 3 percent of the value of the tax, extends beyond the Governor's call.

Article IV, Section 8, of the Nebraska Constitution provides:

> The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together.

In two recent opinions, our office has discussed the guiding principles articulated by the Nebraska Supreme Court in Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 686, 131 N.W.2d 134 (1964), regarding the limitation on the power of the Legislature to act at a special session under this constitutional provision. Attorney General Opinion No. 136, October 24, 1985; Attorney General Opinion No. 135, October 24, 1985. In these opinions, we noted that the court in Arrow Club, supra, stated that "{t}he Legislature while in special session may enact legislation relating to, germane to, and having a natural connection with the purpose for which it was convened." (Emphasis added). 177 Neb. at 690, 131 N.W.2d at 137.

The fourth subject listed on the Governor's proclamation states one of the purposes of the session is to allow the Legislature to

consider and enact legislation to "Increase the State Cigarette tax." As we indicated previously, LB 3 provides for an increase in the amount of the state cigarette tax. You have asked, however, whether Section 3 of the bill, which proposes to reduce the wholesalers' discount rate, is outside the scope of the call. The answer to your question turns on whether the provisions of Section 3 of LB 3 are sufficiently "related to" or "germane to" the stated subject of considering or enacting legislation relating to an increase in the state cigarette tax.

In our view, a strong argument can be made to uphold the validity of Section 3 of LB 3. The subject of considering and enacting legislation to increase the state cigarette tax is clearly directed toward the purpose of providing increased revenues to the state from this source. Presently, wholesalers are granted a discount of 5 percent of the face value of the cigarette tax pursuant to the Neb.Rev.Stat. §77-2608 (Supp. 1985). Section 3 of LB 3, which would reduce this rate to 3 percent of the face value of the amount of the tax, is apparently designed to adjust the discount rate downward due to the increase in the amount of the tax against which the rate is applied.

While the reduced discount rate in Section 3 of LB 3 is not, in and of itself, among the subjects directly stated in the call, it could be upheld as being sufficiently related to the revenue-producing function behind the subject of providing for an increase in the cigarette tax. If the amount of the tax were increased, without providing for a reduction in the percentage discount rate, the state would receive a smaller portion of the additional revenue to be derived from the tax increase. It seems logical to conclude that, in considering the enactment of an increase in the amount of the cigarette tax, the Legislature would not be precluded from adjusting the wholesalers' discount, which is applied to the amount of the tax. While we recognize the somewhat restrictive view which our Supreme Court has adopted in construing the scope of the Governor's call for a special session, we believe the provisions of Section 3 of LB 3, reducing the wholesalers' discount rate, are sufficiently "related to" or "germane to" the subject of increasing the state cigarette tax to support the conclusion that this aspect of the bill is within the scope of the call.

Assuming, arguendo, that the reduction in the wholesalers' discount rate in Section 3 of the bill were held unconstitutional as outside the scope of the call, we believe the remaining provisions of the bill would be upheld. In State ex rel. Douglas v. Sporhase, 213 Neb. 484, 486, 329 N.W.2d 855, 856-57, the court stated:

> This court has variously expressed the test to be applied in determining whether an unconstitutional clause in a statute may be severed from the remainder. (1) Whether, when absent the invalid portions, a workable plan remains. Nelsen v. Tilley, 137

Neb. 327, 289 N.W. 388 (1939). (2) Whether the valid portions of an act can be enforced independently, and where the invalid portions do not constitute such an inducement to the valid parts that the valid parts would not have passed without the invalid parts. State v. Padley, 195 Neb. 358, 237 N.W.2d 883 (1976). (3) Whether the severance will do violence to the intent of the Legislature. Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976). (4) Whether a declaration of separability is included in the act, indicating that the Legislature would have enacted the bill absent the invalid portion. State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 113 N.W.2d 63 (1962); Nelsen v. Tilley, supra.

Applying these principles, we believe the provisions of Section 3 of LB 3, even if held unconstitutional as outside the scope of the call, would be considered severable from the remainder of the bill's provisions, and the increase in the state cigarette tax contained in LB 3 would still be held valid.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 7A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 1. Considered.

Mr. R. Johnson moved to reconsider the Lamb et al. amendment to LB 1 which was printed on page 84 of the Journal, and was voted on November 5, 1985.

Messrs. Haberman, DeCamp, Harris, Pappas, Mesdames Higgins, and Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. R. Johnson requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 22:

Baack	Chronister	Lamb	Nichol	Rogers
Barrett	Eret	Lynch	Peterson	Rupp
Beyer	Hartnett	Morehead	Pirsch	Schmit
Chambers	Hefner	Nelson	Remmers	Vickers
Chizek	Johnson, R.			

Voting in the negative, 16:

Abboud	Goll	Johnson, L.	Landis	Warner
Beutler	Hall	Johnson, V.	Lundy	Wesely
Carsten	Hannibal	Labedz	Scofield	Withem
Conway				

Present and not voting, 3:

Miller	Sieck	Smith

Excused and not voting, 8:

DeCamp	Haberman	Higgins	Marsh	Pappas
Goodrich	Harris	Hoagland		

The R. Johnson motion lost with 22 ayes, 16 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 12.

Introduced by Scofield, 49th District.

WHEREAS, the veterans organizations of Sheridan County have established a monument to honor Sheridan County residents who gave their lives for freedom during World War I, World War II, the Korean War, and the Vietnam War; and

WHEREAS, the Rushville, Gordon, and Hay Springs communities will participate in a dedication of this monument on November 11, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature commends the veterans organizations of Sheridan County for their efforts in honoring those who gave their lives to serve their country.

2. That a copy of this resolution be sent to the Legionnaire Clubs in Rushville, Gordon, and Hay Springs and to the VFW in Hay Springs.

Laid over.

RECESS

At 12:02 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; and Messrs. Beutler, Goodrich, R. Johnson, Mesdames Higgins, and Labedz who were excused until they arrive.

AMENDED PROCLAMATION

BY VIRTUE OF THE AUTHORITY VESTED in the Governor by Article IV, Section 8, of the Constitution of the State of Nebraska, I, Robert Kerrey, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, HAVE CALLED the Legislature of Nebraska to convene in extraordinary session at the

State Capitol on October 17, 1985, at 2:00 p.m., for the purpose of considering and enacting legislation relating to the following subjects:

1. Reduce appropriations approved by the 89th Legislature, 1st Session;
2. Increase the Drivers Record Abstract fee.
3. Deposit a portion of the sales tax on motor vehicles in the General Fund.
4. Increase the State Cigarette tax.
5. Conform State laws with the "Child Support Enforcement Amendments of 1984" as mandated by Public Law 98-378.
6. Reduce or eliminate Fiscal Year 1986-87 budget obligations.
7. Provide permissive authority for political subdivisions to create group insurance pools.
8. Provide for a maximum dollar amount to limit the liability of political subdivisions subject to the Political Subdivisions Tort Claims Act.
9. Provide for the elimination of selected exemptions from the State Sales Tax.
10. Increase the Income Tax rate for 1985.

I direct that members of the Legislature of the State of Nebraska be notified of the convening of this extraordinary session by delivering to each of them a copy of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this 6th day of November, 1985.

(Signed) ROBERT KERREY
Governor

(SEAL)
Attest:

Ralph Englert
Deputy Secretary of State

UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1. Mrs. Pirsch and Mr. Chizek offered the following amendment:

To amend LB 1E:

PURPOSE

To eliminate the discretionary fund for Central Administrative Services in the amount of $1,599,052 and to restore the same amount to the respective campuses.

AMENDMENT

(1) Increase the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Increase General Fund Appropriation By:
51		
University of Nebraska-Lincoln		899,221
University of Nebraska-Omaha		228,592
University of Nebraska-Medical Center		472,227

(2) Decrease the General Fund appropriation and state aid earmarking in the following agencies and programs:

Agency Number	Program Number	Decrease General Fund Appropriation By:
51		
Central Administration Services		1,599,052

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mrs. Pirsch requested a roll call vote on the Pirsch-Chizek amendment.

Voting in the affirmative, 15:

Chizek	Hartnett	Johnson, R.	Lamb	Sieck
Eret	Hefner	Johnson, V.	Nichol	Vickers
Hall	Hoagland	Labedz	Pirsch	Withem

Voting in the negative, 26:

Baack	Carsten	DeCamp	Haberman	Harris
Beyer	Conway	Goll	Hannibal	Johnson, L.

Landis	Morehead	Peterson	Rupp	Smith
Lundy	Nelson	Remmers	Schmit	Warner
Lynch	Pappas	Rogers	Scofield	Wesely
Miller				

Present and not voting, 2:

Abboud	Barrett

Excused and not voting, 6:

Beutler	Chronister	Goodrich	Higgins	Marsh
Chambers				

The Pirsch-Chizek amendment lost with 15 ayes, 26 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp moved to suspend the rules, Rule 6, Section 5 and Rule 7, § 3 and vote on the advancement of LB 1 without further amendment or debate.

Mr. DeCamp moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. DeCamp requested a roll call vote on his motion.

Voting in the affirmative, 30:

Abboud	Conway	Hannibal	Miller	Rogers
Baack	DeCamp	Harris	Morehead	Rupp
Barrett	Eret	Hefner	Nelson	Scofield
Beutler	Goll	Johnson, L.	Pappas	Smith
Beyer	Haberman	Labedz	Peterson	Warner
Chronister	Hall	Lundy	Remmers	Wesely

Voting in the negative, 14:

Carsten	Hoagland	Lamb	Nichol	Vickers
Chizek	Johnson, R.	Landis	Schmit	Withem
Hartnett	Johnson, V.	Lynch	Sieck	

Present and not voting, 1:

Pirsch

Excused and not voting, 4:

Chambers Goodrich Higgins Marsh

The DeCamp motion prevailed with 30 ayes, 14 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 32 ayes, 8 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

MOTION - Proposed Rule Change

Messrs. Lynch and Hartnett offered the following proposed rule change:

Amend Rule 3, Sec. 1, Subsection (b): Add one additional sentence that reads as follows:

"A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction and referred to it by the reference committee."

Amend Rule 3, Sec. 4, Subsection (e) (i): Amend it to read as follows:

"(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill, resolution, and agency, board, and commission budget, and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue."

Amend Rule 5, Sec. 6: Add new subsection "1", which shall read as follows:

"(1) The Fiscal Analyst shall, as required by the Executive Board, provide assistance to the standing committees in their budget review process as provided in Rule 8 herein."

Amend Rule 8, Sec. 1: Add new item "(3)" to list of first two, which shall read as follows:

"...and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject-matter expertise in the review of agency, board, and commission budget requests."

Amend Rule 8: Make current Sec. 4 the new Sec. 5, and add the following provisions as the new Sec. 4:

Sec. 4 STANDING COMMITTEE APPROPRIATIONS REVIEW (a) Following the referencing of agency, board, and commission budgets to the standing committees, but in no event later than the 60th Legislative Day in a 90 day session and the 40th Legislative Day in a 60 day session, each standing committee shall hold a budget request review hearing on the agency, board, and commission budgets referred to it, and shall make recommendations with regard to proposed appropriations to the Appropriations Committee.

(b) The Chairperson of each committee with the assistance of the legislative staff and the Fiscal Analyst shall, when the budget review hearing on each agency, board, and commission is complete, submit a standing committee appropriations review statement which shall contain, but need not be limited to, the following information:

(1) the identity of the agency, board, or commission budget reviewed,

(2) the date of the hearing,

(3) a list of all the individuals testifying with regard to the budget,

(4) a summary of requested and proposed changes to the original agency, board, or commission budget, and

(5) a summary and explanation of standing committee recommendations on the agency, board, or commission budget in such form as the standing committee deems appropriate.

(c) A copy of the proposed standing committee appropriations review statement shall be distributed to each committee member within five days after final committee action on the budget review hearing has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the standing committee appropriations review statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the Appropriations Bill on General File.

(d) A copy of the standing committee appropriations review statement and any minority statements submitted shall be distributed to each Senator after filing one copy with the Appropriations Committee Chairman and one with the Clerk of the Legislature. Distribution to senators shall be the responsibility of the Clerk of the Legislature.

(e) The Appropriations Committee shall review each standing committee appropriations review statement prior to final action by the Appropriations Committee and placement of the appropriations bills on General File. The Appropriations Committee shall not be bound to adopt the recommendations in the standing committee appropriations review statement except as it deems proper.

NOTICE OF COMMITTEE HEARING
Rules

Tuesday, November 12, 1985 12:00 noon

Haberman proposed rule change, page 105 of the Journal;
Lynch-Hartnett proposed rule change found in this day's Journal.

(Signed) Patricia S. Morehead, Chairperson

SELECT FILE

LEGISLATIVE BILL 14. E & R amendments, AM5184, found in the Journal on page 116 for the Ninth Day were adopted.

Advanced to E & R for Engrossment with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 10. Title read. Considered.

Mr. DeCamp requested a ruling of the Chair on whether LB 10 is within the scope of the Governor's amended Call into Special Session.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chair ruled that LB 10 is within the scope of the Governor's amended Call, and that the bill can be considered by the Legislature.

Mr. DeCamp challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Haberman requested a record vote on the DeCamp motion.

Voting in the affirmative, 12:

Abboud Barrett Beyer Chronister DeCamp

Haberman	Lamb	Remmers	Rogers	Schmit
Johnson, R.	Peterson			

Voting in the negative, 23:

Baack	Eret	Hartnett	Lynch	Sieck
Beutler	Goll	Hoagland	Miller	Smith
Carsten	Hall	Johnson, L.	Morehead	Warner
Chizek	Hannibal	Johnson, V.	Scofield	Wesely
Conway	Harris	Lundy		

Present and not voting, 9:

Hefner	Landis	Nichol	Rupp	Withem
Labedz	Nelson	Pappas	Vickers	

Excused and not voting, 5:

Chambers	Goodrich	Higgins	Marsh	Pirsch

The DeCamp motion to overrule the Chair lost with 12 ayes, 23 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment to LB 10:

To strike the contents of LB 10 and insert the following:

Section 1. That section 77-2701.01, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2701.01. Pursuant to section 77-2715.01, the rate of the income tax imposed by section 77-2715 shall be nineteen per cent, except that for taxable years beginning or deemed to begin on or after January 1, 1985, and on or before December 31, 1985, the rate shall be twenty per cent.

Sec. 2. That original section 77-2701.01, Revised Statutes Supplement, 1984, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The members of the Education Committee asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Labedz asked unanimous consent to be excused until she

returns. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Warner amendment was adopted with 26 ayes, 8 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Haberman requested a recored vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Conway	Hoagland	Miller	Sieck
Beutler	Eret	Johnson, L.	Morehead	Smith
Carsten	Goll	Johnson, V.	Nelson	Warner
Chizek	Hannibal	Landis	Nichol	Wesely
Chronister	Harris	Lynch	Scofield	Withem

Voting in the negative, 16:

Abboud	Haberman	Johnson, R.	Peterson	Rupp
Barrett	Hartnett	Lamb	Remmers	Schmit
Beyer	Hefner	Pappas	Rogers	Vickers
DeCamp				

Present and not voting, 2:

Hall	Lundy

Excused and not voting, 6:

Chambers	Higgins	Labedz	Marsh	Pirsch
Goodrich				

Advanced to E & R for Review with 25 ayes, 16 nays, 2 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 29. Placed on General File as amended.
Standing Committee amendment to LB 29:

AM090S

1. Strike the original sections and insert the following new sections:

"Section 1. That section 23-252, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-252. In each town, the clerk, the treasurer, and the ~~chairman~~ chairperson of the board shall examine the accounts of the overseers of highways for money received and disbursed by them~~,~~ and shall require all officers to account to such board for any and all such money received and disbursed by such officers in their official capacity. Such board shall examine and audit all charges and claims against the town~~,~~ and the compensation of all town officers. In case of the absence of any of ~~said~~ such officers~~,~~ or their failure to attend any meeting of the board, the two attending may appoint any qualified elector to act with them in the place of the absentee, and the appointee shall act, only for such meeting, in the place of such absentee as a member of such board. Each township shall make an annual budget statement as set out in sections 23-921 to 23-933. The county board may require an audit of the accounts of any township within the county, whenever in its judgment such audit is necessary. The county board may contract with the Auditor of Public Accounts or select a licensed or certified public accountant or firm of such accountants to conduct the audit. The original copy of the audit shall be filed in the office of the Auditor of Public Accounts. ~~The audit shall be made by the Auditor of Public Accounts.~~

Sec. 2. That section 23-1608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1608. An examination of the books, accounts, records, and affairs of all county officers in every county in the state and a ~~shall be made, by the direction and under the supervision of the Auditor of Public Accounts, at such times as the Auditor of Public Accounts shall determine. A~~ complete and comprehensive audit of the books, accounts, records, and affairs of all county officials in each county shall be made annually. Each county board may contract with the Auditor of Public Accounts or select a licensed or

certified public accountant or firm of such accountants to conduct the examination and audit. The original copy of the audit shall be filed in the office of the Auditor of Public Accounts. ~~by the direction and under the supervision of the Auditor of Public Accounts. No notice of the examination or audit shall be given the officer or any person connected with the office to be examined or audited prior to its commencement.~~

Sec. 3. That section 23-1613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1613. The Auditor of Public Accounts is authorized to deputize or empower competent accountants to make the examinations and audits provided for in section 23-1608, and to establish uniformity in the system of keeping accounts at salaries to be fixed by such auditor. The Auditor of Public Accounts is further authorized to employ one assistant for each accountant at a salary to be fixed by such auditor. The salaries of accountants and their assistants shall be paid out of the Auditor of Public Acounts Cash Fund or such ~~fund~~ funds as the Legislature may specifically appropriate for that purpose during any biennium.

Sec. 4. That section 79-2210.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2210.04. A complete and comprehensive annual audit of the books, accounts, records, and affairs of each educational service unit shall be made annually. The board of each educational service unit may contract with the Auditor of Public Accounts or select a licensed or certified public accountant or firm of such accountants to conduct the audit. ~~by the direction and under the supervision of the Auditor of Public Accounts.~~ Such audit shall be conducted in the same manner as audits of county officers. The original copy of the audit shall be filed in the office of the Auditor of Public Accounts.

Sec. 5. That section 84-304, Revised Statutes Supplement, 1984, be amended to read as follows:

84-304. It shall be the duty of the Auditor of Public Accounts:

(1) To give information in writing to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state or in regard

to any duty of his or her office;

(2) To furnish offices for himself or herself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his or her office;

(3) To examine or cause to be examined, at such time as he or she shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, and to report promptly to the Director of Administrative Services and the appropriate standing committee of the Legislature the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts; and to this end the Auditor of Public Accounts shall appoint two assistant deputies (a) whose entire time shall be devoted to the service of the state as directed by the auditor, (b) who shall be certified public accountants with at least five years' experience, (c) who shall be selected without regard to party affiliation or to place of residence at the time of appointment, (d) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and (e) who shall qualify by taking an oath which shall be filed in the office of the Secretary of State; and

(4) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. <u>The Auditor of</u>

Public Accounts may contract with any political subdivision having authority to contract with the auditor for the performance of an audit of such political subdivision. The auditor shall deposit the receipts for such audits and services in the Auditor of Public Accounts Cash Fund. The fees charged by the auditor for conducting audits on a contractual basis shall be in an amount sufficient to pay the costs of the audit. ~~cash fund maintained for the making of cooperative audits.~~

Sec. 6. That original sections 23-252, 23-1608, 23-1613, and 79-2210.04, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1984, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) David Landis, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 35. By Warner, 25th District; V. Johnson, 8th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Revised Statutes Supplement, 1984; to change the income tax rate; to repeal the original section; and to declare an emergency.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 35.

LB	**Committee**
35	General File

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were a group of women from the YWCA; and 35 students and coordinator from the University of Nebraska-Lincoln.

ADJOURNMENT

At 4:35 p.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Thursday, November 7, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - NOVEMBER 7, 1985

LEGISLATIVE JOURNAL

ELEVENTH DAY - NOVEMBER 7, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, November 7, 1985

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich, Hartnett, V. Johnson, and Mrs. Marsh who were excused; and Messrs. Beutler, Hall, Hoagland, R. Johnson, Rupp, Schmit, Warner, Wesely, and Mesdames Higgins, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 139, add line at bottom of page to read, "Referred to the Rules Committee."
The Journal for the Tenth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 10. Placed on Select File as amended.
E & R amendment to LB 10:
AM5186
1. On page 1, line 4, strike beginning with the first "to" through the semicolon.

Correctly Engrossed

The following bill was correctly engrossed: LB 14.

(Signed) Timothy Hall, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of November 6, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Binder, Edward C. - Lincoln, (Withdrawn 85/10/28); Nebraska New Car & Truck Dealers Association; Nebraska Safety Belt Committee
Lombardi, Richard A. - Lincoln, Nebraska State Student Association
Milbourn, Steven J. - Grand Island, Grand Island Beauty School
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Sherson Leham Brothers Inc./Chiles Heider Division
Selzer, Robert S. - Lincoln, Nebraska Rural Electric Association
Taylor, Daniel K. - Norfolk, Step a Head

REPORTS

Received audit reports from the Auditor of Public Accounts for the following:
Department of Personnel, Department of Health, Department of Administrative Services, Game and Parks Commission, Investment Council, Nebraska Coordinating Commission for Postsecondary Education, Nebraska Beef Industry Development Board, Nebraska Real Estate Commission, Department of Correctional Services, Department of Environmental Control, Power Review Board, Commission on the Status of Women, State Foster Care Review Board, Nebraska Commission on Law Enforcement and Criminal Justice, Public Service Commission, Economic Development, Nebraska Department of Revenue & the Bingo & Pickle Card Reg. Comm., Supreme Court, State Patrol, Nebraska State Racing Commission, Board of Educational Lands and Funds, Nebraska

Library Commission, Office of Risk Management/State Claims Board, Uniform Commercial Code Filing Council, Secretary of State, Military Department, Department of Justice (Through December 31, 1984), Nebraska Natural Resources Commission, Nebraska State Energy Office, Nebraska Department on Aging.

RESOLUTIONS

LEGISLATIVE RESOLUTION 10. Read. Considered.

LR 10 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 12. Read. Considered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 12 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 7A. Title read. Considered.

Speaker Nichol offered the following amendment:
AM096S

1. On page 2, line 2, strike "$70,928" and insert "$7,500" and strike "$38,192" and insert "$67,500"; in line 4 strike "$122,200" and insert "$10,000" and strike "$65,800" and insert "$90,000"; and strike lines 9 through 13 and insert the following:

"No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

The Nichol amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 29. Title read. Considered.

Mr. DeCamp requested a ruling of the Chair on whether LB 29 is within the scope of the Governor's Call into Special Session.

The Chair ruled LB 29 is not within the Call.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 10 in the Journal. No objections. So ordered.

AM097S

1. On page 2, line 3, strike "Pursuant to section 77-2715.01", show as stricken, and insert "Unless changes pursuant to section 1 of this act"; in line 5 strike the new matter and reinstate the stricken matter; in line 10 strike "section" and insert "sections" and after the comma insert "77-2701.02, and 77-27,156,"; and in line 11 strike "is" and insert "and section 77-2715.01, Revised Statutes Supplement, 1985, are".

2. Insert the following new sections:

"Section 1. (1) If it is determined by a majority vote of the Speaker of the Legislature, the chairpersons of the Legislature's Executive Board, Revenue Committee, and appropriations committee, and the Tax Commissioner, the sales and use tax rate and the income tax rate must be changed and the Legislature will not be meeting in regular session for at least one month, then the Speaker of the Legislature shall direct the State Board of Equalization and Assessment to determine the sales and use tax rate and the income tax rate. Upon notification by the Speaker of the Legislature, the State Board of Equalization and Assessment shall set the rate of the income tax imposed by section 77-2715 and the rate of the sales tax imposed by subsection (1) of section 77-2703.

Recognizing that an adequate cash flow is necessary to maintain the orderly implementation of various legislative acts, it is mandatory that the funding of those acts which have a fiscal impact beyond a current appropriations year be considered when setting the sales and income tax rates. Accordingly, the purpose of this subsection is to provide that the State Board of Equalization and Assessment shall set rates based on appropriations and the express obligations of

the Legislature for the two succeeding calendar years following the rate-setting date. Such action will provide an adequate cash flow, the orderly implementation of the funding of acts as intended by the Legislature, and eliminate drastic fluctuations in the state sales and income tax rates.

(a) In fixing the rates, the State Board of Equalization and Assessment shall first determine the status of all appropriations and express obligations for the next two succeeding calendar years following the rate-setting date which must be financed from the receipts from the sales and use taxes, the individual and corporation income and franchise taxes and other miscellaneous receipts to the General Fund, from a certified statement of all appropriations and express obligations for the next two succeeding calendar years following the rate-setting date made by the most recent regular session of the Legislature, which statement the Director of Administrative Services shall prepare and furnish prior to the convening of such board.

(b) If the Legislature should meet in a special session during any year, the board shall add to the appropriations and express obligations as certified pursuant to subdivision (a) of this subsection, the appropriation for the legislative session, all miscellaneous claims, deficiency bills, and all emergency appropriations and express obligations.

(c) The board shall then determine the balance of the General Fund at the beginning of the period under consideration and the estimated receipts to the General Fund from all sources other than the sales, use, income, and franchise taxes for this period.

(d) The board shall then set the rates of the sales tax and income tax so that the estimated funds available pursuant to subdivision (c) of this subsection plus estimated receipts from the sales, use, income, and franchise taxes will not be less than three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar years following the rate-setting date as determined pursuant to subdivisions (a) and (b) of this subsection. The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance considering cash flow to meet the appropriations and express

obligations as certified as provided in subdivision (a) of this subsection.

(e) The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total individual income tax levied for the calendar year for which the rates so fixed will be effective. The board shall set the rates in such a manner that total sales and use tax revenue should not exceed total individual income tax revenue in any particular year.

(f) For purpose of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the calendar year. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year.

(g) The sales tax rate so fixed by the board shall be an increment of one half of one per cent, and the income tax rate so fixed shall be an increment of one per cent.

(h) For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

In the event the board determines the rates must be changed, such sales tax rate shall be made effective at the beginning of any calendar month within the current calendar year and such income tax rate shall be effective for the current taxable year.

Sec. 3. That section 77-2701.02, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2701.02. ~~Pursuant to section 77-2715.01~~ Unless changed pursuant to section 1 of this act, the rate of the sales tax imposed by section 77-2703 shall be three and one half per cent.

Sec. 4. That section 77-2715.01, Revised Statutes Supplement, 1985, be amended to read as follows:

77-2715.01. (1)(a) Commencing in 1984 the Legislature shall set the rate of the income tax imposed by section 77-2715 and the rate of the sales tax imposed by subsection (1) of section 77-2703, except as provided in section 1 of this act.

(b) The Legislature shall set the rates of the sales tax and income tax so that the estimated funds available plus estimated receipts from the sales, use, income, and franchise taxes will be not less than three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar years. The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations of the state.

(c) For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the calendar year. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year.

(d) For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

(2) The Speaker of the Legislature and the chairpersons of the Legislature's Executive Board, Revenue Committee, and Appropriations Committee shall meet with the Tax Commissioner within ten days after July 15 and November 15 of each year and shall determine whether the rates for sales tax and income tax should be changed. In making such determination they shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for any session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event it is determined by a majority vote that the rates must be changed as a result of a regular or special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, they shall ~~petition the Governor to call a special session of the Legislature~~ direct the State Board of Equalization and Assessment to meet to make whatever rate changes may be necessary.

Sec. 5. That section 77-27,156, Revised Statutes Supplement, 1984, be amended to read as follows:

77-27,156. To assist the Governor in developing estimates of revenue pursuant to section 81-125 and the Legislature and the State Board of Equalization and Assessment in setting the rates of the income tax and sales tax pursuant to section 77-2715.01, there is hereby created the Nebraska Economic Forecasting Advisory Board.".

3. Strike original section 2.

4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Expedite LBs 1, 14, and 10

Mr. DeCamp asked unanimous consent to expedite LBs 1, 14, and 10. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 3. E & R amendments, AM5183, found in the Journal on page 115 for the Ninth Day were adopted.

Messrs. Landis and Warner offered the following amendment:

To amend LB 3 as follows:

1. On page 8, line 2, strike "twenty" and insert "ten".

The Landis-Warner amendment was adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

SPEAKER NICHOL PRESIDING

Mr. DeCamp requested a machine vote on the advancement of the bill.

Mr. Landis moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Baack	Carsten	Chronister	Hall	Harris
Barrett	Chambers	Goll	Hannibal	Johnson, L.

Landis	Miller	Peterson	Scofield	Warner
Lundy	Nelson	Pirsch	Sieck	Withem
Lynch	Nichol	Rogers	Vickers	

Voting in the negative, 14:

Abboud	Conway	Hefner	Labedz	Remmers
Beyer	DeCamp	Higgins	Lamb	Smith
Chizek	Eret	Johnson, R.	Pappas	

Excused and not voting, 11:

Beutler	Hartnett	Johnson, V.	Morehead	Schmit
Goodrich	Hoagland	Marsh	Rupp	Wesely
Haberman				

Failed to advance to E & R for Engrossment with 24 ayes, 14 nays, and 11 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 7. Placed on Select File as amended.
E & R amendments to LB 7:
AM5185

1. In the Standing Committee amendment, AM089S, adopted November 6, 1985:

a. On page 2, line 3, strike "penalties" and insert "penalty";

b. On page 5, strike beginning with "county" in line 11 through the comma in line 12 and show the old matter as stricken;

c. On page 8, line 6, strike "and" and show as stricken and insert "or";

d. On page 10, line 18, strike "18" and insert "13";

e. On page 21, line 8, strike "40" and insert "35"; and in line 9 strike "43" and insert "38";

f. On page 22, line 1, strike "operative" and insert "effective" and strike "section" and insert "act";

g. On page 23, line 7, strike "45" and insert "35";

h. On page 25, line 20, strike "(3)" and insert "(4)";

i. On page 26, line 17, strike "shallbe" and insert "shall be";

j. On page 31, line 26; and page 36, line 23, strike "49" and insert "44";

k. On page 33, line 3, strike "54" and insert "49";

l. On page 38, line 4, strike "40" and insert "35";

m. On page 51, line 15, strike "For" and insert "for"; and

n. On page 56, line 22, strike "35" and insert "30".

2. On page 1, line 10, strike "masters" and insert "an expedited judicial process"; and in line 11 strike "and visitation" and after the semicolon insert "to provide for rules and regulations; to provide duties for clerks of the district courts; to provide a penalty;".

3. On page 2, line 3, strike "for the sharing of"; in line 4 strike "certain funds" and insert "duties for the Attorney General"; strike beginning with the second "to" in line 4 through the semicolon in line 7; and strike beginning with the comma in line 8 through "1943" in line 10.

Correctly Engrossed

The following bill was correctly engrossed: LB 1.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 7 in the Journal. No objections. So ordered.

AM095S

(Amendments to Standing Committee Amendments)

1. On page 3, line 6, after "mean" insert "alimony or maintenance".

2. On page 13, strike the new matter in lines 21 through 24.

3. On page 21, line 14, after "mean" insert

6 "alimony or maintenance".

Mr. Vickers asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

To return LB 1 to Select File for the following specific amendment:

1. On page 104, line 13 after "General Fund" strike 22,446,915 and insert 22,620,470; in line 14 after "Program Total" strike 22,446,915 and insert 22,620,470; and in line 16 after "program" insert $22,446,915 and insert "22,620,470".

Purpose: to restore .75% of the 3% cut in General Fund state-aid to the Technical Community Colleges in an amount of $173,555 leaving 2.25% cut in state-aid to the Technical Community Colleges.

SELECT FILE

LEGISLATIVE BILL 5. E & R amendment, AM5182, found in the Journal on page 116 for the Ninth Day was adopted.

Mr. Sieck offered the following amendment:
AM094S

1. On page 2, line 7, strike "ten", show as stricken, and insert "seven".

Mr. Sieck moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Abboud	Eret	Lamb	Pappas	Remmers
Beyer	Harris	Landis	Peterson	Rogers
Chambers	Hefner	Nichol	Pirsch	Sieck

Voting in the negative, 23:

Baack	Conway	Higgins	Lynch	Smith
Barrett	DeCamp	Johnson, L.	Miller	Vickers
Carsten	Goll	Johnson, R.	Nelson	Warner
Chizek	Hall	Labedz	Scofield	Withem
Chronister	Hannibal	Lundy		

Excused and not voting, 11:

Beutler	Hartnett	Johnson, V.	Morehead	Schmit
Goodrich	Hoagland	Marsh	Rupp	Wesely
Haberman				

The Sieck amendment lost with 15 ayes, 23 nays, and 11 excused and not voting.

The Chair declared the call raised.

Messrs. Vickers and Remmers offered the following amendment:

To amend LB 5 as follows:

1. Strike Sections 2 and 3 on page 3 and renumber the remaining sections.

2. Page 4, line 15 strike "60-409.04, 60-409.12." and line 17 following "60-409.03," insert "60-409.04, and 60.409.12"

The Vickers-Remmers amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Sieck requested a machine vote on the advancement of the bill.

Mr. Vickers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for Engrossment with 25 ayes, 10 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 10 and LR 12.

ATTORNEY GENERAL'S OPINION

Opinion No. 146
November 7, 1985

Dear Senator Warner:

This is in response to your letter of November 6, 1985. In that letter you ask us to reconsider our previous opinion dated October

24, 1985, stating that LB 29 was beyond the scope of the Governor's call in the current special session, in view of an amendment to LB 1. In our opinion of October 24, 1985, we noted simply that "LB 29 would authorize certain public bodies to contract with the Auditor of Public Accounts for their statutorily required audits. Again, this provision is not related or germane to any of the nine specific items contained in the Governor's call and thus would be beyond the scope of the call."

The Legislature has since added an amendment to section 8 of LB 1 concerning the budget of the Auditor of Public Accounts which provides that "It is the intent of the Legislature that the reductions in the appropriation to this program include a reduction of funds reserved to conduct county and other political subdivision audits."

In our opinions concerning the scope of the Governor's call in a special session we have previously quoted from the case of Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 686, 131 N.W.2d 134 (1964). The court here stated that "The Legislature while in special session may enact legislation relating to, germane to, and having a natural connection with the purpose for which it was convened." Id. at 690.

The effect of the amendment to LB 1 is to express the Legislature's intention that the Auditor of Public Accounts apply the reduction in his appropriations to the funds that he presently uses to conduct audits of counties and other political subdivisions. The Legislature has not repealed the specific statutory requirements that such audits be conducted, but instead through LB 29, as amended, would clearly shift the burden for the payment of these audits from the Auditor to the counties and educational service units by specifically authorizing them to contract with the Auditor of Public Accounts or private accountants for the performance of these audits. In view of this amendment to LB 1, LB 29 would now appear to be related to, germane to, and having a natural connection with the intended budget reduction for the Auditor of Public Accounts, which would place it within the scope of the Governor's call for the current special session.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 13.

Introduced by DeCamp, 40th District; Harris, 27th District.

WHEREAS, the State of Nebraska and the Nebraska Department of Banking and Finance, serving as the Receiver of Commonwealth Savings Company, insolvent, have been sued in the amount of $50,000,000 for damages purportedly resulting from the State's administration of said receivership; and

WHEREAS, said lawsuit is entitled "Claude T. Weimer, Plaintiff, vs. State of Nebraska; James Barbee, Receiver of Commonwealth Savings Company, and Nebraska Department of Banking and Finance, Defendants," Civil Case No. 85-L-627, and was filed in the United States District Court for the District of Nebraska on October 31, 1985; and

WHEREAS, no one, as of this date, has entered an appearance on behalf of the State of Nebraska to defend the State's interests in the above-mentioned lawsuit; and

WHEREAS, the Attorney General for the State of Nebraska has not yet determined whether he will enter an appearance on behalf of the State as his office has not yet been served with summons; and

WHEREAS, the history of the Commonwealth fiasco has demonstrated extraordinary confusion in regard to who actually has had the responsibility for representing and protecting the interests of the State of Nebraska, and whether the State's interests have been zealously represented and protected; and

WHEREAS, section 84-205(9) of the Nebraska statutes provides that the Attorney General has the duty "to appear for the state and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court in which the state is interested or a party; and, when requested by the Governor or the Legislature, to appear for the state and prosecute or defend any action or conduct any investigation in which the state is interested or a party, before any court, officer, board, tribunal or commission."; and

WHEREAS, it is possible that the members of the Eighty-Ninth Legislature, Second Special Session, may adjourn sine die before a determination has been made concerning who will be representing the interests of the State of Nebraska in the above-mentioned lawsuit; and

WHEREAS, the Legislature wishes to make its intent known that the State of Nebraska should be represented by the Nebraska Attorney General in the above-mentioned lawsuit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-NINTH LEGISLATURE OF THE STATE OF NEBRASKA, 2ND SPECIAL SESSION, that under the authority and procedure specified in section 84-205(9) of the Nebraska statutes, the Nebraska Attorney General is hereby requested to enter an appearance and to zealously represent the interests of the State of Nebraska in the matter of Claude T. Weimer vs. State of Nebraska, et al., Civil Case No. 85-L-627, filed on October 31, 1985 in the United States District Court for the District of Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were 13 students and teachers from Lexington Junior High School; and 46 fourth grade students and teachers from Swanson & Underwood Hills, Omaha.

ADJOURNMENT

At 11:06 a.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Friday, November 8, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - NOVEMBER 8, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, November 8, 1985

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, Haberman, Hannibal, Hefner, Withem, and Mrs. Marsh who were excused; and Messrs. Goodrich, Hoagland, R. Johnson, Landis, Pappas, Rupp, Schmit, and Sieck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 7A. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 5.

(Signed) Timothy Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 14.

Introduced by Baack, 47th District.

WHEREAS, the Sidney communication center is strategically placed along the interstate between the Wyoming border and the city of North Platte; and

WHEREAS, by closing the communication center in Sidney, approximately 200 miles of interstate, which carries a tremendous volume of traffic, would be without a communication center; and

WHEREAS, the Sidney communication center receives hundreds of phone calls during each storm for travel conditions and road assistance and plays an instrumental part in the sheltering of stranded motorists; and

WHEREAS, the communication center could not be run as efficiently, operating out of Scottsbluff.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature is concerned about the closing of the satellite communication center in Sidney and urges the Nebraska State Patrol to reconsider its proposal to close the center and find a less crucial way to reduce its budget.

2. That a copy of this resolution be sent to the Nebraska State Patrol, Gary Person, Coordinator of the Cheyenne County Chamber of Commerce, Marilyn Spiker, Director of the American Red Cross, Cheyenne County Chapter, and Frances Craig, Lifestyles Editor for the Sidney Telegraph.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 29. Mr. DeCamp requested a ruling of the Chair on whether LB 29 is within the scope of the Governor's Call into Special Session.

The Chair ruled LB 29 is within the Call based upon the Attorney General's Opinion #146, dated November 7, 1985 and found in the Journal on page 159.

Mr. DeCamp challenged the ruling of the Chair. The question is,

"Shall the Chair be overruled?" The motion lost with 2 ayes, 19 nays, 14 present and not voting, and 14 excused and not voting.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

Title read. Considered.

Standing Committee amendment, AM090S, found in the Journal on page 142 for the Tenth Day was considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:

AMENDMENT TO LB 29 COMMITTEE AMENDMENT:

Page 2, line 3, after the word "licensed" insert the following: "public accountant"

Page 2, line 21, after the word "licensed" insert the following: "public accountant"

Page 4, line 1, after the word "licensed" insert the following: "public accountant"

Page 6, beginning on line 8, strike "political subdivision having authority to contract with the auditor", and insert the following: "county or educational service unit"

The Wesely amendment was adopted with 16 ayes, 0 nays, 18 present and not voting, and 15 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Speaker Nichol asked unanimous consent to print the following Attorney General's Opinion in the Journal. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 147
November 7, 1985

Dear Governor Kerrey:

You have requested our opinion regarding whether you may amend your original proclamation calling the Legislature into special session to include additional subjects for legislative consideration during the Second Special Session of 1985.

Article IV, Section 8, of the Nebraska Constitution, provides:

> The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together.

While the Nebraska Supreme Court has not addressed the question of a Governor's authority to amend the subject matter of his original proclamation calling for a special session, after the Legislature has convened, the Court of Appeals of Kentucky, construing a provision of the Kentucky Constitution substantially similar to Article IV, Section 8, concluded the Governor did possess such power. Stickler v. Higgins, 269 Ky. 260, 106 S.W.2d 1008 (1937). Section 80 of the Kentucky Constitution, the provision construed in Stickler, supra, provided, in pertinent part: "When he {the Governor} shall convene the general assembly it shall be by proclamation, stating the subjects to be considered, and no other shall be considered." Id. at ___, 106 S.W.2d at 1010. Discussing the rationale behind its conclusion that this constitutional provision did not prohibit the Governor from adding to the subjects contained in the original proclamation after the Legislature had convened, the court in Stickler, supra, stated:

> {W}e feel constrained to say that we should be guided in the determination of the question presented by the rule of common sense and logic and not to allow technical interpretation to prevail. Impelled by such influences, we are unable to see wherein the evident object and purpose of inserting section 80 in our Constitution would be the least impaired by permitting the Governor to add to the subjects contained in his original proclamation by other proclamations--though issued after the extraordinary session convened--any more than such impairment would occur if the later proclamations were issued before the actual convening of the extraordinary session. No sufficient reason is pointed out for the distinction and to our minds it is but an arbitrary one. Being so, we should not set aside solemnly enacted statutes by the Legislature upon such a hypercritical distinction with only such shadowy support, if support at all. Indeed, it is quite possible that the sole reason for the adoption of such constitutional provisions on the subject in hand was to place the directing of legislation at extraordinarily called sessions exclusively in the hands of the Governor in whom is lodged the power and

> authority to determine when emergency legislation is required for the benefit of the people of the state with reference to urgent matters; the purpose being to empower and compel him to include the field of operations thereat and to thus curb the right of the members to roam at large as they may do at a regular session. Our interpretation preserves to the fullest extent that purpose on the part of the Constitution makers, as well as meeting every other purpose advanced by any court for the adoption of such constitutional provisions, and at the same time encroaches on none of them.

Id. at ___, 106 S.W.2d at 1012-13.

Recently, the Court of Appeals of Kentucky reaffirmed the rule announced in Stickler, supra, establishing the Governor's authority to amend the subject matter of his original proclamation. Guenthner v. Brown, 671 S.W.2d 260 (Ky. Ct. App. 1984).

As we noted earlier, the provisions of Article IV, Section 8, of the Nebraska Constitution, are substantially similar to the constitutional provision construed by the court in Stickler, supra. While the Nebraska Supreme Court has not specifically addressed the issue of a Governor's authority to amend his proclamation calling the Legislature into special session by adding additional subjects for consideration after the session has convened, we feel the rationale enunciated by the court in Stickler, supra, upholding this power, is sound. Furthermore, our research reveals no authority on the specific question presented which would compel us to reach a contrary conclusion. We therefore conclude that the provisions of Article IV, Section 8, would not preclude you from amending your original proclamation to include additional subjects for legislative consideration during the current special session.

We wish to point out, however, that any such amendment, to be valid under Article IV, Section 8, must be made by proclamation. In Stickler, supra, the court, recognizing the public notice function served by the issuance of the Governor's proclamation, emphasized that it was necessary for the amendment to be submitted by proclamation in order to satisfy the requirements of the pertinent constitutional provision. 269 Ky. at ___, 106 S.W.2d at 1010-12. The purpose of providing notice to the public of the subjects to be considered at the special session through the issuance of the proclamation was recognized by our court in Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 689, 131 N.W.2d 134 (1964). Thus, consistent with the requirements of Article IV, Section 8, any amendment to submit additional subjects for consideration by the Legislature must be done by proclamation.

Finally, we wish to emphasize that our opinion is limited solely to the issue of whether a Governor may, after the Legislature has

convened in special session, amend the proclamation to add to the subjects contained in the original proclamation. Clearly, a different result may apply if, after the Legislature has convened in special session, a Governor sought to amend the proclamation to remove or withdraw from the Legislature's consideration a subject previously submitted. In this regard, one commentator has stated:

> After the legislature has commenced consideration of a matter entrusted to it by the governor's call, however, it is questionable whether the governor may withdraw the legislature's authority to act on it in order to preclude legislative action which he considers undesirable, since the normal constitutional way for the governor to assert his disagreement with the legislature is by veto.

1 Sands, Sutherland's Statutory Construction, §5.03 (4th ed. 1972).

Based on the foregoing, it is our conclusion that the provisions of Article IV, Section 8, of the Nebraska Constitution, would not preclude you from amending your original proclamation to include additional subjects for legislative consideration and action during the Second Special Session of 1985.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB:ejg

STANDING COMMITTEE REPORT
Public Works

The Public Works Committee met in Executive Session on November 7, 1985, to take action on the following confirmations:

John McLellan, Jr.--State Highway Commission
Babette T. (Bobbie) Prostok--State Highway Commission

Senators Schmit, Beyer, Harris, Nelson, and Smith voted aye to confirm these appointments. Senators Lamb, DeCamp, and Lynch were absent.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Rogers asked unanimous consent to print the following amendment to LB 10 in the Journal. No objections. So ordered.

AM099S

1. In the Warner amendment found on page 141 of the Journal, insert the following new section:

"Sec. 2. An amount equal to twenty-five per cent of one per cent of the receipts received from the income tax rate imposed for taxable years beginning or deemed to begin on or after January 1, 1985, and on or before December 31, 1985, pursuant to section 77-2715.01 shall be deposited in the Political Subdivision Aid Fund, which is hereby created. The money in such fund shall be distributed equally to (1) counties pursuant to section 77-27,137 and (2) municipalities pursuant to section 77-27,137.01. Any money in the Political Subdivision Aid Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. Renumber the remaining sections accordingly.

Mr. Rogers asked unanimous consent to print the following amendment to LB 35 in the Journal. No objections. So ordered.

AM100S

1. Insert the following new section:

"Sec. 2. An amount equal to twenty-five per cent of one per cent of the receipts received from the income tax rate imposed for taxable years beginning or deemed to begin on or after January 1, 1985, and on or before December 31, 1985, pursuant to section 77-2715.01 shall be deposited in the Political Subdivision Aid Fund, which is hereby created. The money in such fund shall be distributed equally to (1) counties pursuant to section 77-27,137 and (2) municipalities pursuant to section 77-27,137.01. Any money in the Political Subdivision Aid Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 9. Read. Considered.

Mr. Carsten requested a ruling of the Chair on whether LR 9 is within the scope of the Governor's Call into Special Session.

The Chair ruled that based upon the historical consideration of resolutions during special sessions, LR 9 could be considered by the body.

Messrs. Beutler, Schmit, Vickers, and Rogers renewed their pending amendment found in the Journal on page 101.

Mr. Lamb offered the following amendment to the Beutler et al. amendment:

To amend the Beutler et al. amendment by striking Section 2, following the "Be it Resolved" clause.

MRS. MOREHEAD PRESIDING

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. DeCamp moved to adjourn until Tuesday at 9:00 a.m. The motion lost with 10 ayes, 10 nays, and 29 not voting.

Messrs. Beyer and Peterson asked unanimous consent to be excused. No objections. So ordered.

The Lamb amendment lost with 6 ayes, 10 nays, 17 present and not voting, and 16 excused and not voting.

Mr. Lamb offered the following amendment to the Beutler et al. amendment:

To amend the Beutler amendment, in Section 2 following the "Be it resolved clause," strike the words "in response to a moral obligation to the farmers of Nebraska and the several states" and insert "because the failure of the farm credit system would be a hammer blow to the U.S. economy and prompt a wave of farm foreclosures."

Mr. Beutler requested a record vote on the Lamb amendment.

Voting in the affirmative, 9:

Abboud	Johnson, L.	Lundy	Nichol	Warner
Carsten	Lamb	Morehead	Remmers	

Voting in the negative, 9:

Beutler	Hall	Labedz	Nelson	Vickers
DeCamp	Harris	Landis	Pirsch	

Present and not voting, 15:

Barrett	Conway	Hartnett	Miller	Scofield
Chambers	Eret	Johnson, V.	Rogers	Smith
Chizek	Goll	Lynch	Schmit	Wesely

Excused and not voting, 16:

Baack	Haberman	Higgins	Marsh	Rupp
Beyer	Hannibal	Hoagland	Pappas	Sieck
Chronister	Hefner	Johnson, R.	Peterson	Withem
Goodrich				

The Lamb amendment lost with 9 ayes, 9 nays, 15 present and not voting, and 16 excused and not voting.

MOTION - Adjournment

Mrs. Labedz moved to adjourn. The motion prevailed with 10 ayes, 9 nays, and 30 not voting, and at 10:48 a.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Tuesday, November 12, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - NOVEMBER 12, 1985

LEGISLATIVE JOURNAL

THIRTEENTH DAY - NOVEMBER 12, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, November 12, 1985

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Conway, Goodrich, Hall, Harris, Hartnett, R. Johnson, Lynch, Rupp, Schmit, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 29. Placed on Select File as amended.
E & R amendments to LB 29:
AM5187

1. In the Wesely amendment adopted November 8, 1985, underscore all matter in quotation marks.

2. In the Standing Committee amendment, AM090S, adopted November 8, 1985:

a. On page 3, line 10, strike the comma and

show as stricken; and in line 18 strike "during any biennium" and show as stricken; and

b. On page 5, line 21, after "accounts" insert an underscored comma.

3. On page 1, strike beginning with "2-3223" in line 1 through the first comma in line 3; strike beginning with "31-715" in line 3 through the first comma in line 4 and insert "23-1613, and"; in line 4 strike "and 79-2644,"; and in line 9 strike "change a penalty" and insert "harmonize provisions".

(Signed) Timothy Hall, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 148
November 8, 1985

Dear Senator Vickers:

This is in response to your letter of November 5, 1985, concerning Neb.Rev.Stat §33-150 (Reissue 1984).

Section 33-150 provides as follows:

> The State Treasurer shall credit to the General Fund of the state fifteen per cent of all fees remitted to the state treasury by the state boards of examiners in medicine, chiropractic, dentistry, including fees from dental hygienists, optometry, pharmacy, embalming and funeral directing, including fees received from funeral establishments as well as embalmers and funeral directors, podiatry, and veterinary medicine, the Board of Occupational Therapy Practice, the Board of Cosmetologist Examiners, the Board of Barber Examiners, the Board of Nursing, the State Real Estate Commission, the Brand Fund of the Secretary of State, the State Board of Examiners for Professional Engineers and Architects, the State Athletic Commissioner, the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned above, if and when fifteen per cent of all such fees remitted into the treasury be appropriated or reappropriated to the General Fund of the state by the Legislature for the uses and purposes of the General Fund during any biennium. Nothing in this section shall be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft Prevention Fund and funds of the State Racing Commission.

Your specific question is whether the language in this statute

referring to "any other state board, bureau, division, fund, or commission not mentioned above" authorizes the Legislature to appropriate 15 percent of any state maintained funds to the uses and purposes of the General Fund.

We must conclude that this language does not give such broad authority. The statute refers only to the remission of "fees" and thus would not apply to all funds or other sources of revenue, but only to fees. Thus, the statute only authorizes the Legislature to appropriate to the General Fund 15 percent of "all fees" collected by the specifically enumerated boards and "any other state board, bureau, division, fund, or commission not mentioned," with the specific exception of the State Racing Commission and the Nebraska Brand Inspection and Theft Prevention Fund.

You also ask whether we foresee any limits "as to the funds that could be tapped for the uses and purposes of the General Fund." As indicated, the statute does not apply to all funds but only to fees collected by the various boards and commissions. It is possible, however, that there could be some limitation which would prohibit any portion of certain fees from being appropriated to the General Fund. One would have to examine the specific statutory authorization for each particular fee in order to make such a determination. If you have specific questions regarding any particular statutes authorizing such fees, we will, of course, be glad to respond to such questions if so asked.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENT

The Chair announced yesterday was Senator Carsten's birthday.

GENERAL FILE

LEGISLATIVE BILL 35. Title read. Considered.

Mr. Rogers asked unanimous consent to withdraw his pending amendment, AM100S, found in the Journal on page 169. No objections. So ordered.

Mr. Rogers offered the following amendment:
AM107S

1. Insert the following new section:

"Sec. 2. An amount equal to twenty-five per cent of one per cent of the receipts received from the income tax rate imposed for taxable years beginning or deemed to begin on or after January 1, 1985, and on or before December 31, 1985, pursuant to section 77-2715.01 shall be deposited in the Political Subdivision Aid Fund, which is hereby created. For the fiscal year ending June 30, 1986, there is hereby appropriated all money held in such fund which shall be distributed equally to (1) counties pursuant to section 77-27,137 and (2) municipalities pursuant to section 77-27,137.01. Any money in the Political Subdivision Aid Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. Renumber the remaining sections accordingly.

The Rogers amendment lost with 5 ayes, 14 nays, 17 present and not voting, and 13 excused and not voting.

Mr. Vickers offered the following amendment:

To amend LB 35 as follows:

Page 2, line 6, strike "or deemed to begin" and strike "1985" and insert "1986"; line 7, strike "December 31, 1985" and insert "June 30, 1986: and strike "twenty" and insert "twenty-one".

Mr. Vickers moved for a call of the house. The motion prevailed with 7 ayes, 4 nays, and 38 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Eret	Haberman	Rogers	Vickers

Voting in the negative, 34:

Abboud	Carsten	Goll	Hefner	Johnson, V.
Baack	Chizek	Hall	Higgins	Labedz
Barrett	Chronister	Hannibal	Hoagland	Lamb
Beyer	Conway	Harris	Johnson, L.	Landis

Lundy	Morehead	Pappas	Sieck	Wesely
Marsh	Nelson	Remmers	Smith	Withem
Miller	Nichol	Scofield	Warner	

Present and not voting, 4:

Beutler	DeCamp	Goodrich	Peterson

Excused and not voting, 7:

Chambers	Johnson, R.	Pirsch	Rupp	Schmit
Hartnett	Lynch			

The Vickers amendment lost with 4 ayes, 34 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Abboud offered the following amendment:

To amend LB 35 by adding "Section 2. On the effective date of this act, the State Treasurer shall transfer the balance in the Cash Reserve Fund on such date to the General Fund." On page 2 line 9 strike "Sec. 2" add "Sec. 3" and on page 2 line 11 strike "Sec. 3" add "Sec. 4".

Mr. Lundy requested a ruling of the Chair on whether the Abboud amendment is germane to the bill.

The Chair ruled the Abboud amendment is germane to the bill.

Mrs. Marsh requested a ruling of the Chair on whether the Abboud amendment is within the scope of the Governor's Call into Special Session.

The Chair ruled it is not within the Call.

Mr. Abboud asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Baack	Eret	Johnson, V.	Morehead	Sieck
Beutler	Goll	Lundy	Nelson	Smith
Carsten	Hannibal	Lynch	Nichol	Warner
Chambers	Harris	Marsh	Rupp	Wesely
Chronister	Hoagland	Miller	Scofield	Withem
Conway	Johnson, L.			

Voting in the negative, 17:

Abboud	Goodrich	Higgins	Lamb	Rogers
Barrett	Haberman	Johnson, R.	Peterson	Schmit
Beyer	Hall	Labedz	Remmers	Vickers
DeCamp	Hefner			

Present and not voting, 3:

Chizek	Landis	Pappas

Excused and not voting, 2:

Hartnett	Pirsch

Advanced to E & R for Review with 27 ayes, 17 nays, 3 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rodney L. Bates - Department of Economic Development, Director
James C. Barbee - Department of Banking and Finance, Director

Voting Aye: Senators Beyer, Harris, Labedz, Pappas and DeCamp; Voting Nay: None; Absent: Senators Higgins, Haberman and Schmit.

(Signed) John DeCamp, Chairperson

SELECT FILE

LEGISLATIVE BILL 3. Considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Baack	Hall	Landis	Morehead	Sieck
Barrett	Harris	Lundy	Nelson	Vickers
Chambers	Hoagland	Lynch	Nichol	Warner
Chronister	Johnson, L.	Marsh	Peterson	Wesely
Goll	Johnson, V.	Miller	Scofield	Withem
Goodrich				

Voting in the negative, 21:

Abboud	Conway	Hannibal	Labedz	Rogers
Beutler	DeCamp	Hefner	Lamb	Rupp
Beyer	Eret	Higgins	Pappas	Schmit
Carsten	Haberman	Johnson, R.	Remmers	Smith
Chizek				

Excused and not voting, 2:

Hartnett Pirsch

Advanced to E & R for Engrossment with 26 ayes, 21 nays, and 2 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 35. Placed on Select File.

(Signed) Timothy Hall, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 15.

Introduced by Chizek, 31st District.

WHEREAS, the Millard North High School Mustangs finished the 1985 football season with an outstanding 7-3 record; and

WHEREAS, the highlight of the season was a spot earned in the Class A football playoffs; and

WHEREAS, this was the first time in Millard North's history that a football team made it to the playoffs; and

WHEREAS, such a successful season illustrates the dedication, hard work, and teamwork that the Millard North High School Mustangs have demonstrated all year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature salutes the Millard North High School football team, head coach Fred Petito, and his assistant coaches Bob Danenhauer, Dan Hansen, Dale Zabrocki, Trey DeLoach, David Buckley, Tom Bodzek, Jeff Falberg, Lew Wyant, and Mark Clark.

2. That a copy of this resolution be sent to the Millard North High School football team and its coaching staff.

Laid over.

LEGISLATIVE RESOLUTION 16.

Introduced by Chizek, 31st District.

WHEREAS, the Bennington High School Badgers earned a spot in the Class B football playoffs; and

WHEREAS, the Badgers completed their season with an outstanding 8-2 season; and

WHEREAS, such a successful season illustrates the hard work, grit, and integrity that the Badgers and its coaching staff have demonstrated all year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature congratulates the Bennington High School football team, head coach Larry Sterbick, and his assistants Dan

Meyer, Don Christiansen, and Jim Kotera.

2. That a copy of this resolution be sent to the Bennington High School football team and its coaching staff.

Laid over.

LEGISLATIVE RESOLUTION 17.

Introduced by Hefner, 19th District.

WHEREAS, United States agricultural exports have declined by ten billion dollars since 1981; and

WHEREAS, a recent article in the October 1985 Farm Journal, Why the World Doesn't Want Our Grain, documents the fact that the United States still ships dirty grain overseas; and

WHEREAS, the shipment of dirty grain may severely hurt the export of American grain; and

WHEREAS, the grain trade uses standards on dockage and foreign material that are seventy years old; and

WHEREAS, the standards on dockage and foreign material allow tremendous freedom for the exporters; and

WHEREAS, evidence indicates that the United States standards on dockage and foreign material are undermining the United States agricultural grain competitiveness abroad.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Nebraska congressional delegation undertake an investigation, with the assistance of the United States General Accounting Office and the Congressional Research Service, of the United States standards on dockage and foreign material; that this investigation examine the evidence noted in the aforementioned Farm Journal article; that the investigation examine the need to change the nation's seventy-year-old standards; and that the congressional delegation report back to the Nebraska Legislature.

2. That a copy of this resolution be sent to each member of the Nebraska congressional delegation.

3. That a copy of this resolution also be sent to the legislative leaders and agricultural committee chairpersons in the states of Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming.

4. That the aforementioned legislative leaders be asked to join Nebraska in this effort by contacting their congressional delegations.

Laid over.

LEGISLATIVE RESOLUTION 18.

Introduced by Hefner, 19th District.

WHEREAS, the State of Nebraska ranks first nationally in carcass beef production, alfalfa meal production, great northern bean production, hog production, and popcorn production; and

WHEREAS, the State of Nebraska ranks high nationally in the production of numerous other agricultural products; and

WHEREAS, the State of Nebraska's sagging economy is and may continue to place a hardship on farmers and business owners; and

WHEREAS, an increase in the purchase of Nebraska agricultural products would stimulate the sagging agriculture and business economy in the state; and

WHEREAS, the holiday season is a time when employers, employees, friends, and relatives exchange gifts; and

WHEREAS, Nebraska agricultural products make excellent holiday gifts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Nebraska Legislature supports and encourages the giving of Nebraska agricultural products as holiday gifts through the "Husker Holiday Gifts" program as a way of boosting the state's agricultural economy.

Laid over.

SELECT FILE

LEGISLATIVE BILL 10. E & R amendment, AM5186, found in the Journal on page 148 for the Eleventh Day was adopted.

Mr. DeCamp renewed his pending amendment, AM097S, found in the Journal on page 151.

Mr. DeCamp requested a ruling of the Chair on whether the DeCamp amendment is within the scope of the Governor's Call into Special Session.

The Chair ruled the DeCamp amendment is not within the Call.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM097S. No objections. So ordered.

Mr. Rogers asked unanimous consent to withdraw his pending amendment, AM099S, found in the Journal on page 168. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Baack	Eret	Johnson, V.	Miller	Sieck
Beutler	Goll	Landis	Morehead	Smith
Carsten	Hannibal	Lundy	Nelson	Warner
Chambers	Harris	Lynch	Nichol	Wesely
Chronister	Hoagland	Marsh	Scofield	Withem
Conway	Johnson, L.			

Voting in the negative, 19:

Abboud	Goodrich	Higgins	Peterson	Rupp
Barrett	Haberman	Johnson, R.	Pirsch	Schmit
Beyer	Hall	Lamb	Remmers	Vickers
DeCamp	Hefner	Pappas	Rogers	

Present and not voting, 2:

Chizek Labedz

Excused and not voting, 1:

Hartnett

Advanced to E & R for Engrossment with 27 ayes, 19 nays, 2 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 29. E & R amendments, AM5187, found in this day's Journal on page 172 were adopted.

Advanced to E & R for Engrossment.

MOTION - Return LB 1 to Select File

Mr. Haberman moved to return LB 1 to Select File for his specific amendment, AM036S, found in the Journal on page 51.

Mr. Haberman asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM036S, found in the Journal on page 51. No objections. So ordered.

Messrs. Withem, Chizek, and Hartnett moved to return LB 1 to Select File for the following specific amendment:

to amend LB 1: Agency 13 (State Department of Education), Program 143 (State Aid and School Food Services)
Purpose: To reduce cut in state aid to education from 3% to 2% (Cost of 1% in State Aid under LB 1 is $1,310,417.78)
a) On page 13, line 6 strike "127,959,541" and insert "129,269,959"; in line 8 strike "140,953,341" and insert "142,263,759"; and in line 22 strike "35,872,525" and insert "37,182,943";
b) On page 14, line 10 strike "127,876,112" and insert "129,186,530"; and
c) On page 19, line 22 strike "185,832,125" and insert "187,142,543" and in line 26 strike "244,125,421" and insert "245,435,839."

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Withem requested a roll call vote on the motion to return to Select File.

Voting in the affirmative, 23:

Abboud	DeCamp	Lamb	Remmers	Sieck
Baack	Eret	Lynch	Rogers	Smith
Beutler	Goodrich	Morehead	Rupp	Wesely
Chambers	Haberman	Pappas	Schmit	Withem
Chizek	Johnson, R.	Pirsch		

Voting in the negative, 24:

Barrett	Hall	Hoagland	Lundy	Peterson
Carsten	Hannibal	Johnson, L.	Marsh	Scofield
Chronister	Harris	Johnson, V.	Miller	Vickers
Conway	Hefner	Labedz	Nelson	Warner
Goll	Higgins	Landis	Nichol	

Excused and not voting, 2:

Beyer Hartnett

The Withem et al. motion to return to Select File lost with 23 ayes, 24 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Goodrich asked unanimous consent to be excused. No objections. So ordered.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved to return LB 1 to Select File for his specific amendment found in the Journal on page 125.

Messrs. Barrett, Schmit, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

EXPLANATION OF VOTE

Had I been present, I would have voted no on the Rogers amendment to LB 35.

(Signed) Marge Higgins

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 3 and 10.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 3

The following changes, required to be reported for publication in the Journal, have been made:
ER0110

1. On page 7, line 9, "impression" has been struck, shown as stricken, and "impressions" inserted and the second comma has been struck and shown as stricken; and in line 10 an underscored comma has been inserted after "cigarettes".

(Signed) Mary Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were Ron, Phyllis, Jeff, and Julia Busch from Chadron.

RECESS

At 12:00 noon, on a motion by Mr. Pappas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Goodrich who was excused; and Messrs. DeCamp, Eret, R. Johnson, Landis, Miller, Pappas, Rupp, Mesdames Higgins, and Morehead who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 149
November 8, 1985

Dear Senator DeCamp:

This is in response to your letter of November 8, 1985. In that letter you state as follows:

I have an amendment to that bill {LB 1} which would say, in essence, that the reductions in the bill to the University of two per cent across the board are to be reduced to one per cent subject to and contingent (sic) upon additional revenue being received through a lottery or lottery related activity and taxes.

My question is whether, assuming this amendment is adopted, that the lottery bills now before the Legislature are then within the call.

You also discuss our recent opinion concerning LB 29 to Senator Jerome Warner, dated November 7, 1985. In so doing you suggest that as a result of our opinion "the call is an ever expanding and contracting process apparently and an individual member can in effect create an expansion of the session merely by getting an amendment adopted on another bill and then having a relationship to some allegedly outside the call subject." This conclusion simply misconstrues our opinion and does not at all follow from that opinion.

The reasoning behind our opinion of November 7, 1985, is instead as follows: The Governor's call contains an item concerning budget reductions. One of the proposed budget reductions is a decrease in the appropriations for the Auditor of Public Accounts, particularly those monies used to fund the Auditor's performance of county and educational service unit audits. These audits are nevertheless still required to be conducted by statute. Having prevented the Auditor from carrying out these audits by reducing his appropriation for that purpose, it naturally follows that the Legislature should either (1) eliminate those statutory requirements or (2) provide some other clear means of funding those audits. In this case, the Legislature, through LB 29, is apparently suggesting that the latter course of action should be taken, by clarifying the fact that the counties and educational service units will now be responsible for paying for these audits. LB 29, as amended, thus naturally flows from this particular budget reduction item in LB 1. As we said in our opinion of November 7, 1985, LB 29 is thus "related to, germane to, and having a natural connection with the intended budget reduction for the Auditor of Public Accounts, which would place it within the scope of the Governor's call for the current special session."

By contrast, the same logic does not apply for the imposition of a state lottery as a result of a budget reduction for the University. The imposition of a state lottery does not necessarily follow from such a budget reduction, nor is such an action necessary because of any existing statutory framework, as was the case above. Thus, we do not believe, even with your proposed amendment, that legislation concerning a state lottery could be said to be related to, germane to, or having a natural connection with any of the specific items

contained in the Governor's call.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 29.

(Signed) Timothy Hall, Chairperson

MOTION - Return LB 1 to Select File

Mr. V. Johnson renewed his pending motion found in the Journal on page 184 to return LB 1 to Select File for his specific amendment found in the Journal on page 125.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

MR. HANNIBAL PRESIDING

The V. Johnson motion to return LB 1 to Select File prevailed with 26 ayes, 18 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 1. The V. Johnson specific amendment found in the Journal on page 125 was considered.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. V. Johnson requested a roll call vote on his specific amendment.

Voting in the affirmative, 23:

Chambers	Harris	Johnson, V.	Pappas	Sieck
Chizek	Hartnett	Labedz	Rogers	Vickers
Conway	Hefner	Landis	Rupp	Wesely
Eret	Higgins	Lynch	Schmit	Withem
Hall	Hoagland	Marsh		

Voting in the negative, 22:

Abboud	Chronister	Johnson, R.	Morehead	Remmers
Baack	DeCamp	Lamb	Nelson	Scofield
Barrett	Goll	Lundy	Peterson	Smith
Beyer	Hannibal	Miller	Pirsch	Warner
Carsten	Johnson, L.			

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Goodrich Haberman Nichol

The V. Johnson amendment lost with 23 ayes, 22 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 1

Mr. Beutler moved to reconsider the V. Johnson amendment found in the Journal on page 125.

Mrs. Marsh and Mr. Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. V. Johnson requested a roll call vote on the Beutler motion to reconsider.

Voting in the affirmative, 25:

Beutler	Hall	Hoagland	Morehead	Schmit
Chambers	Harris	Johnson, V.	Nelson	Sieck
Chizek	Hartnett	Labedz	Pappas	Vickers
Conway	Hefner	Landis	Rogers	Wesely
Eret	Higgins	Lynch	Rupp	Withem

Voting in the negative, 22:

Abboud	Chronister	Johnson, R.	Miller	Remmers
Baack	DeCamp	Lamb	Nichol	Scofield
Barrett	Goll	Lundy	Peterson	Smith
Beyer	Hannibal	Marsh	Pirsch	Warner
Carsten	Johnson, L.			

Excused and not voting, 2:

Goodrich Haberman

The Beutler motion to reconsider the V. Johnson amendment prevailed with 25 ayes, 22 nays, and 2 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 1. The V. Johnson specific amendment found in the Journal on page 125 was reconsidered.

Mr. Rupp and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mr. V. Johnson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. V. Johnson requested a roll call vote on his specific amendment.

Voting in the affirmative, 24:

Beutler	Hall	Hoagland	Morehead	Sieck
Chambers	Harris	Johnson, V.	Nelson	Vickers
Chizek	Hartnett	Labedz	Pappas	Wesely
Conway	Hefner	Landis	Rogers	Withem
Eret	Higgins	Lynch	Schmit	

Voting in the negative, 21:

Abboud	Chronister	Johnson, L.	Marsh	Remmers
Baack	DeCamp	Johnson, R.	Miller	Scofield
Barrett	Goll	Lamb	Nichol	Smith
Beyer	Hannibal	Lundy	Peterson	Warner
Carsten				

Excused and not voting, 4:

Goodrich	Haberman	Pirsch	Rupp

The V. Johnson amendment lost with 24 ayes, 21 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Readvanced to Final Reading.

Messrs. Hefner and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Reconsider Action on LB 1

Mr. Hartnett moved to reconsider the earlier motion by Senator Withem to return LB 1 from Final Reading to Select File for specific amendment.

Mr. Hartnett moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Withem requested a roll call vote on the Hartnett motion to reconsider.

Voting in the affirmative, 21:

Abboud	Conway	Hoagland	Morehead	Sieck
Beutler	Eret	Johnson, R.	Pappas	Smith
Chambers	Hall	Lamb	Rogers	Wesely
Chizek	Hartnett	Lynch	Rupp	Withem
Chronister				

Voting in the negative, 24:

Baack	Goll	Johnson, L.	Marsh	Remmers
Barrett	Haberman	Johnson, V.	Miller	Scofield
Beyer	Hannibal	Labedz	Nelson	Vickers
Carsten	Harris	Landis	Nichol	Warner
DeCamp	Higgins	Lundy	Peterson	

Excused and not voting, 4:

Goodrich	Hefner	Pirsch	Schmit

The Hartnett motion to reconsider lost with 21 ayes, 24 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Pappas and Mrs. Smith asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 1 to Select File

Mr. Sieck moved to return LB 1 to Select File for the following specific amendment:
PURPOSE:
To eliminate any reduction in aid for community-based mental retardation programs. (Restore back to original LB 722)
AMENDMENT:
In the original green copy, Section 23, Subsection (7) Program 424, strike the new matter and reinstate the stricken matter.

Mr. Sieck moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Sieck requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

Chambers	Hall	Higgins	Labedz	Sieck
Chizek	Harris	Hoagland	Lynch	Wesely
Chronister	Hartnett	Johnson, R.	Nichol	Withem
Eret	Hefner	Johnson, V.	Rogers	

Voting in the negative, 24:

Abboud	Carsten	Hannibal	Morehead	Rupp
Baack	Conway	Johnson, L.	Nelson	Scofield
Barrett	DeCamp	Lamb	Peterson	Vickers
Beutler	Goll	Landis	Pirsch	Warner
Beyer	Haberman	Lundy	Remmers	

Present and not voting, 2:

Marsh	Miller

Excused and not voting, 4:

Goodrich	Pappas	Schmit	Smith

The Sieck motion to return lost with 19 ayes, 24 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Vickers moved to return LB 1 to Select File for his specific amendment found in the Journal on page 158.

Mr. Vickers asked unanimous consent to withdraw his motion to return to Select File. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 158. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 5 in the Journal. No objections. So ordered.

AM085S

1. On page 2, line 7, strike "ten", show as stricken, and insert "seven"; in line 11 strike "three", show as stricken, and insert "two"; in line 13 strike "five dollars and", show as stricken, and insert "four dollars,"; in line 14 strike "fifty cents," and show as stricken; and in line 16 strike "eight", show as stricken, and insert "five" and after "dollars" insert "and fifty cents".

RESOLUTIONS

LEGISLATIVE RESOLUTION 19.

Introduced by Vickers, 38th District.

WHEREAS, Nebraska Educational Television Network has been recognized by the Corporation for Public Broadcasting as the First Place winner in the News and Public Affairs category for its program, Capitol View: The Washington Trip; and

WHEREAS, coverage provided by this program recorded the events surrounding the Nebraska delegation in Washington, D.C., as they sought help for farmers in crisis; and

WHEREAS, the program recorded the action of Nebraska's senators and the reaction of federal officials which helped to bring their message home to the citizens of Nebraska as the events happened and will stand as a record of that moment in history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. The Legislature congratulates the Nebraska Educational Television Network for its First Place award.

2. The Legislature thanks the Nebraska Educational Television Network for its fine efforts and the continuing coverage of Legislative activities in Capitol View: The Washington Trip.

3. The Legislature directs that a copy of this resolution be sent to the Nebraska Educational Television Network.

Laid over.

LEGISLATIVE RESOLUTION 20.

Introduced by V. Johnson, 8th District; Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Internorth began as a Nebraska corporation on April 25, 1930, to provide clean, efficient, and inexpensive natural gas; and

WHEREAS, In July 1985 Internorth merged with Houston Natural Gas to become HNG/Internorth, with assets of over $11 billion; and

WHEREAS, as a major employer and good corporate citizen of Nebraska, HNG/Internorth has prepared to provide energy for this state and the country well into the twenty-first century; and

WHEREAS, HNG/Internorth now has 13,000 employees, 2,500 of whom are in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF THE STATE OF NEBRASKA, 2ND SPECIAL SESSION:

1. That HNG/Internorth be commended for its decision to continue as one of our state's leading corporate citizens.

2. That Sam Segnar be thanked for his many years of service to Nebraska.

3. That the Legislature pledges its continued cooperation with HNG/Internorth, its Chairman of the Board, Willis Strauss, and its President and Chief Operating Officer, Kenneth Lay. We pledge to work with HNG/Internorth as they work for America.

Laid over.

LEGISLATIVE RESOLUTION 21.

Introduced by Barrett, 39th District; Warner, 25th District; Peterson, 21st District; Hartnett, 45th District; Vickers, 38th District; Eret, 32nd District; Baack, 47th District; R. Johnson, 34th District; Lamb, 43rd District; Lynch, 13th District; Morehead, 30th District; Nelson, 35th District; Hoagland, 6th District; V. Johnson, 8th District.

WHEREAS, on a nationwide basis, schools are chosen to receive the Secondary Schools Recognition Program Award; and

WHEREAS, the award signifies high academic achievement, excellent teaching, and dedicated attention to discipline and high education goals; and

WHEREAS, Tri County Senior High School, Norfolk Public Senior High School, Bellevue East High School, Norris Middle School, Westbrook Junior High School, Valley View Junior High School, McMillan Junior High School, and Hastings Junior High School were recipients of the award; and

WHEREAS, in winning the award, these schools demonstrate the continuing vitality of public education in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature commends these fine schools for their excellence as demonstrated by winning the awards.

2. That a copy of this resolution be presented to the Nebraska schools which received the Secondary Schools Recognition Program Award, along with the Legislature's congratulations.

Laid over.

SELECT FILE

LEGISLATIVE BILL 7. E & R amendments, AM5185, found in the Journal on page 156 for the Eleventh Day were adopted.

Mr. Lynch renewed his pending amendment, AM095S, found in the Journal on page 157.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

The Lynch amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:
AM103S

(Amendments to AM089S)

1. On page 26, line 5, strike "and"; and in line 11 after "identified" insert "; and

(9) That an employer who fails to withhold and remit income of an obligor after receiving proper notice or who discriminates, demotes, disciplines, or terminates an employee after receiving an income withholding notice shall be subject to the penalties prescribed in sections 39 and 40 of this act".

The Beutler amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Withem offered the following amendment:
to amend LB 7
On Page 26, strike lines 15-21.

Mr. Withem asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Peterson asked unanimous consent to be excused. No objections. So ordered.

Messrs. Beutler, V. Johnson, and DeCamp offered the following amendment:

(Amendments to AM089S)

1. On page 2, strike beginning with "by" in line 12 through "Services" in line 13 and insert "or appointed by the Attorney General's office".

2. On page 19, strike beginning with "by" in line 23 through "Services" in line 24 and insert "or appointed by the Attorney General's office".

3. On page 41, strike beginning with "by" in line 23 through "Services" in line 24 and insert "or appointed by the Attorney General's office".

4. On page 47, line 6, after the comma insert

"Attorney General's office,".

5. On page 57, line 13, before "It" insert "(1)"; and in line 23 after the period insert the following new subsections:

"(2) At the request of the county attorney, the Attorney General's office may assume control and administer the provisions of this act in the county which such county attorney represents. After the Attorney General's office assumes the duties prescribed in this act, such duties shall be relinquished only by mutual agreement between the county attorney and the Attorney General's office. The authority granted by this section shall be in addition to the authority granted in section 84-204.

(3) There is hereby created the Attorney General Support Enforcement Cash Fund. Such fund shall be used to help defray the expenses of administering this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

6. On page 15, strike beginning with line 22 through 26. On page 16, strike line 1. Renumber remaining subsections. Renumber remaining sections.

Mrs. Higgins requested a division of the question on the Beutler et al. amendment.

The Chair sustained the division of the question.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

The first Beutler et al. amendment is as follows:

(Amendments to AM089S)

1. On page 2, strike beginning with "by" in line 12 through "Services" in line 13 and insert "or appointed by the Attorney General's office".

2. On page 19, strike beginning with "by" in line 23 through "Services" in line 24 and insert "or appointed by the Attorney General's office".

3. On page 41, strike beginning with "by" in line 23 through "Services" in line 24 and insert "or appointed by the Attorney General's office".

4. On page 47, line 6, after the comma insert "Attorney General's office,".

5. On page 57, line 13, before "It" insert "(1)"; and in line 23 after the period insert the following new subsections:

"(2) At the request of the county attorney, the Attorney General's office may assume control and administer the provisions of this act in the county which such county attorney represents. After the Attorney General's office assumes the duties prescribed in this act, such duties shall be relinquished only by mutual agreement between the county attorney and the Attorney General's office. The authority granted by this section shall be in addition to the authority granted in section 84-204.

(3) There is hereby created the Attorney General Support Enforcement Cash Fund. Such fund shall be used to help defray the expenses of administering this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

The first Beutler et al. amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Beutler et al. amendment is as follows:

6. On page 15, strike beginning with line 22 through 26. On page 16, strike line 1. Renumber remaining subsections. Renumber remaining sections.

Mr. Schmit and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

The second Beutler et al. amendment was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Haberman moved to adjourn until 9 AM November 13. The motion lost with 5 ayes, 16 nays, 18 present and not voting, and 10 excused and not voting.

Mr. Barrett offered the following amendment to LB 7:

AM105S

(Amendments to AM089S)

1. On page 47, line 6, strike the comma; and in line 7 reinstate the stricken matter.

The Barrett amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. V. Johnson offered the following amendment:
AM111S

(Amendments to Standing Committee amendments)

1. On page 15, line 5, after "43-512.10" insert ", if such payment is delinquent,".

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Hoagland offered the following amendment:
AM114S

(Amendments to AM089S)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. The Legislature finds that matters relating to visitation, paternity, and the support of children, whether directly in the form of child support, indirectly in the form of support for a spouse or former spouse, or otherwise, should be handled by the courts in an expeditious manner so that parties may obtain needed orders and other actions as quickly as possible. The Supreme Court shall by rule determine whether child support referees are necessary in counties with a population of more than sixty thousand inhabitants to meet requirements relating to case progression standards established by Public Law 98-378. If the Supreme Court determines that a child support referee is necessary in such a county, the district court in such county shall appoint no more than one attorney in good standing to serve as a referee subject to confirmation by the Supreme Court. The child support referee may be removed by either the district court or Supreme Court. In the remaining counties of the state no child support referees shall be appointed unless (1) a showing of the inability of the existing judicial resources to accommodate the case progression standards established by Public Law 98-378 is made and (2)

specific statutory authorization is granted by the Legislature.

In any county, the Supreme Court may appoint without approval of the Legislature, county judges to act as child support referees. The Supreme Court may by rule prioritize classes of cases in order to assure that matters relating to child support and spousal support, paternity, and visitation shall meet the case progression standards established by Public Law 98-378.

Sec. 2. The clerk of the district court of each county shall report to the Supreme Court such information as requested by the Supreme Court in the manner requested and within such time as required by the Supreme Court regarding the progression of actions filed or pending in the district court of which he or she is the clerk. An automated reporting system shall be developed by the Supreme Court with the advice of the clerks of the district court. It is the intent of the Legislature that such automated system make use of the existing automated system presently used by the clerks of the district court, and the development of an automated system by the Supreme Court be coordinated with the automated system being developed by the Department of Social Services and the clerks of the district court.

Sec. 3. No person shall be eligible for the office of child support referee unless he or she is currently admitted to practice before the Nebraska Supreme Court. Offices, support staff, equipment, furnishings, and supplies shall be provided for in the budget of the clerk of the district court for the judicial district or districts in which the child support referee serves. Salaries and expenses of child support referees shall be paid by funds appropriated to the Supreme Court but in no case shall such salary exceed seventy per cent of the salary of a judge of the county court. The child support referee shall determine any matter pertaining to (1) the establishment, modification, enforcement, and collection of child support, (2) the enforcement and collection of spousal support if such support is part of an order which provides for child support and the child and spouse are living in the same household, and (3) visitation. A child support referee may order the issuance of process to compel the attendance of parties and witnesses,

administer all necessary oaths, supervise pretrial preparation pursuant to the rules of discovery promulgated by the Supreme Court pursuant to section 25-1273.01, grant adjournments, and exercise related powers in the same manner as a county or district court judge. Testimony in matters pertaining to child support or spousal support, when included in an order for child support, and visitation modification shall be preserved by tape recording or other means prescribed by the Supreme Court. Standards for such preservation shall be those prescribed by the Supreme Court.

When a review is requested as provided in section 6 of this act, the court shall order the transcription of such testimony. The transcript shall constitute the bill of exceptions in the case and shall be filed with the clerk of the district court. The cost of preparing the transcript shall be paid by the party for whom it is prepared.

Sec. 4. A trial before a child support referee shall be conducted in the same manner as a trial in the district court. A child support referee shall have authority to use all legal and equitable powers available to a district court judge, except that a child support referee shall not have authority to set bail and order detention in lieu of bail.

In any judicial district where a child support referee is appointed who is not a county or district court judge, if incarceration is recommended for civil or criminal contempt of court, the child support referee shall refer the matter, together with a written recommendation, to the district court judge for final disposition.

Sec. 5. A child support referee shall announce his or her decision orally or in writing to the parties or their attorneys, if any, and, in the case of a hearing pertaining to a child, to the child or his or her custodian, adult friend, or attorney. The child support referee shall transmit the written decision or a copy to the clerk of the district court together with all papers and records relating to the case.

Sec. 6. (1) A child support referee's decision may be reviewed by the district court. The party seeking review shall petition in writing for review within fifteen days from the date the child support referee's decision is announced. The petition

shall set forth specifically the errors of law or fact alleged to have been committed by the child support referee. The review hearing shall be on the record made before the child support referee, supplemented in such fashion as the court may permit.

(2) If the petition for review does not set forth the errors committed by the child support referee or is otherwise insufficient, it may be dismissed without a hearing or further review, and the decision of the child support referee shall become the judgment of the district court immediately upon entry of the order of dismissal, with the right of appeal reserved to all parties.

(3) The filing of a petition for review shall not stay the decision of the child support referee unless specifically ordered by the district court.

(4) If no petition for review is filed within the fifteen-day period, the decision of the child support referee shall become the judgment of the district court, with the right of appeal reserved to all parties. If no appeal is taken, the judgment shall be entered upon the judgment record of the district court in the manner provided in section 25-2210.

Sec. 7. There is hereby created the Supreme Court Child and Spousal Support Fund. Such fund shall be used by the Supreme Court to pay for child and spousal support collection efforts. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. On page 25, strike beginning with "That" in line 12 through "notice" in line 16 and insert:

"That the employer may assess an additional administrative fee from the employee's disposable earnings not to exceed ten dollars in any calendar month as compensation for the employer's reasonable cost incurred in complying with the notice.".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Haberman moved for a call of the house. The motion prevailed with 9 ayes, 2 nays, and 38 not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and

17 not voting.

The Hoagland amendment was adopted with 28 ayes, 1 nay, 11 present and not voting, and 9 excused and not voting.

Mr. Haberman moved to indefinitely postpone LB 7.

Mr. Haberman asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Messrs. Beutler and V. Johnson offered the following amendment:
to amend AM089S as follows: strike 'and' on line 14 page 20 and strike lines 15 & 16 on page 20.
strike beginning with 'any' on line 4, page 21 through 'performed' on line 5, page 21

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Higgins requested a record vote on the Beutler-V. Johnson amendment.

Voting in the affirmative, 28:

Abboud	Chizek	Harris	Lamb	Rogers
Baack	Chronister	Hartnett	Lundy	Rupp
Barrett	Eret	Hefner	Miller	Scofield
Beutler	Goll	Hoagland	Nelson	Vickers
Beyer	Haberman	Johnson, L.	Remmers	Withem
Carsten	Hannibal	Johnson, V.		

Voting in the negative, 2:

Higgins	Nichol

Present and not voting, 10:

Conway	Hall	Landis	Marsh	Sieck
DeCamp	Labedz	Lynch	Schmit	Warner

Excused and not voting, 9:

Chambers	Johnson, R.	Pappas	Pirsch	Wesely
Goodrich	Morehead	Peterson	Smith	

The Beutler-V. Johnson amendment was adopted with 28 ayes, 2 nays, 10 present and not voting, and 9 excused and not voting.

Messrs. Hoagland and Lynch offered the following amendment:

1. In AM114S, on page 2, line 14, after "Court" insert "on a monthly basis" and on page 2, line 17, after "of" insert "expedited."

The Hoagland-Lynch amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

VISITORS

Visitors to the Chamber were 25 UNL students.

ADJOURNMENT

At 6:04 p.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Wednesday, November 13, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - NOVEMBER 13, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, November 13, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. R. Johnson, Landis, Schmit, Withem, Mesdames Labedz, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 22.

Introduced by Withem, 14th District; Beyer, 3rd District.

WHEREAS, THE Papillion High School Monarch football team has an outstanding 9-2 record and has earned a spot in the finals of the Class A football championships; and

WHEREAS, such a successful season illustrates commitment, hard work, and integrity; and

WHEREAS, head coach Gene Suhr and has assistants Ron

DeShon, John Jarosh, Dave Kuhl, and Tom Boyd and the members of the Monarch football team should be proud of their outstanding performance throughout the season; and

WHEREAS, the citizens of Papillion should also take pride in the achievements of the Papillion High School Monarchs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature congratulates the Papillion High School Monarch football team and its coaching staff on its accomplishments during the 1985 football season.

2. That a copy of this resolution be sent to Coach Suhr and the Papillion High School Monarch football team.

Laid over.

LEGISLATIVE RESOLUTION 23.

Introduced by Beutler, 28th District.

WHEREAS, the Farm Credit System has asked the federal government for a multi-billion dollar bailout to keep the Farm Credit System from becoming insolvent; and

WHEREAS, the agricultural downturn has been marked by rapidly dropping farmland values, loss of overseas markets for the United States commodities and depressed crop prices; and

WHEREAS, the Farm Credit System deals exclusively in farm loans, and has experienced its greatest losses in its history, due to the downturn in the agricultural economy; and

WHEREAS, the deterioration in the agricultural economy has grown beyond the ability of the Farm Credit System to absorb the losses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Nebraska Legislature ask Congress and the President to take appropriate action, including financial assistance, to assure a stable Farm Credit System.

2. That the Nebraska Legislature understands that the Federal Government may have no legal obligation to provide such assistance, but requests such assistance in response to a moral obligation to the farmers of Nebraska and the several states.

3. That the Clerk of the Legislature is directed to send copies of this Resolution to all Nebraska representatives in Congress and to the President of the United States.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 7.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 7

The following changes, required to be reported for publication in the Journal, have been made:
ER0112
1. Enrollment and Review changes were made to this bill as necessary.

(Signed) Mary Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 35. Advanced to E & R for Engrossment.

MOTION - Return LB 6 to Select File

Mr. Abboud moved to return LB 6 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Abboud asked unanimous consent to withdraw his pending motion to return LB 6. No objections. So ordered.

Mrs. Marsh moved to return LB 6 to Select File for the following specific amendment:
Strike the enacting clause.

Mrs. Marsh asked unanimous consent to withdraw her pending motion to return LB 6. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 6. With Emergency.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3509.01, 77-3509.02, 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1984; to eliminate an exemption; to eliminate certain requirements for property tax statements; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 77-3516.01, Revised Statutes Supplement, 1984, and section 77-3506.01, Revised Statutes Supplement, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Baack	Goodrich	Johnson, R.	Miller	Rogers
Barrett	Hall	Johnson, V.	Morehead	Rupp
Beutler	Hannibal	Labedz	Nelson	Schmit
Carsten	Harris	Lamb	Nichol	Scofield
Chambers	Hartnett	Landis	Pappas	Sieck
Chizek	Hefner	Lundy	Peterson	Vickers
Chronister	Hoagland	Lynch	Pirsch	Warner
Conway	Johnson, L.	Marsh	Remmers	Wesely
Goll				

Voting in the negative, 7:

Abboud	DeCamp	Haberman	Higgins	Withem
Beyer	Eret			

Excused and not voting, 1:

Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 14 to Select File

Mr. DeCamp moved to return LB 14 to Select File for the following

specific amendment:
Strike the enacting clause.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return LB 14. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 14. With Emergency.

A BILL FOR AN ACT relating to political subdivisions; to amend section 23-2420, Revised Statutes Supplement, 1984; to limit liability under the Political Subdivisions Tort Claims Act; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	Marsh	Rogers
Baack	Goll	Johnson, L.	Miller	Rupp
Barrett	Goodrich	Johnson, R.	Morehead	Schmit
Beutler	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labedz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins			

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 6, Section 8 and Rule 7, Section 3 and vote on the final passage of LB 1 without further amendment or debate.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Chambers requested a record vote on the DeCamp motion to suspend the rules.

Voting in the affirmative, 37:

Abboud	Goll	Johnson, L.	Marsh	Remmers
Baack	Haberman	Johnson, R.	Miller	Rupp
Barrett	Hannibal	Johnson, V.	Morehead	Scofield
Beyer	Harris	Labedz	Nelson	Smith
Carsten	Hartnett	Lamb	Nichol	Vickers
Chronister	Hefner	Landis	Pappas	Warner
Conway	Higgins	Lundy	Pirsch	Withem
DeCamp	Hoagland			

Voting in the negative, 6:

Chambers	Hall	Lynch	Sieck	Wesely
Chizek				

Present and not voting, 6:

Beutler	Goodrich	Peterson	Rogers	Schmit
Eret				

The DeCamp motion to suspend the rules prevailed with 37 ayes, 6 nays, and 6 present and not voting.

MS. SCOFIELD PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1985, LB 723, sections 34 and 42; to change appropriations for the expenses of Nebraska State Government for the year ending June 30, 1986; to recite limitations on expenditures; to reduce and repeal capital construction appropriations; to repeal the original sections, and also Laws 1985, LB 722, sections 1 to 16, 18, 19, 21 to 27, 29 to 33, 35, 41, 43 to 48, 51, 52, 60, 61, 63, 65 to 68, 71 to 74, 76 to 80, and 82, and Laws 1985, LB 723, section 7; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Baack	Eret	Higgins	Marsh	Rupp
Barrett	Goll	Hoagland	Miller	Scofield
Beutler	Goodrich	Johnson, L.	Morehead	Sieck
Beyer	Haberman	Johnson, R.	Nelson	Smith
Carsten	Hall	Johnson, V.	Nichol	Vickers
Chizek	Hannibal	Labedz	Peterson	Warner
Chronister	Harris	Lamb	Pirsch	Wesely
Conway	Hartnett	Landis	Remmers	Withem
DeCamp	Hefner	Lundy		

Voting in the negative, 4:

Abboud	Chambers	Pappas	Schmit

Present and not voting, 2:

Lynch	Rogers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 7 to Select File

Mr. Hoagland moved to return LB 7 to Select File for the following specific amendment:
AM116S

(Amendments to Final Reading Copy)

1. On page 8, line 10, after "(b)" insert "until July 1, 1986, employed by the Department of Social Services, (c) on or after July 1, 1986,"; and in line 11 strike "(c)" and insert "(d)".

2. On page 24, line 26, after "(2)" insert "until July 1, 1986, employed by the Department of Social Services, (3) on or after July 1, 1986,"; and in line 27 strike "(3)" and insert "(4)".

3. On page 46, line 7, after the comma insert "until July 1, 1986, employed by the Department of Social Services, on or after July 1, 1986,".

4. On page 51, line 11, strike "or Attorney General's office".

5. On page 61, line 11, after the period insert "On or after July 1, 1986, the Attorney General's office shall assume the responsibilities and may exercise the authorities held by authorized attorneys employed by the Department of Social Services, except that the Attorney General's office may take any actions necessary to ensure the orderly transfer of such responsibilities from the department to the Attorney General's office prior to such date.".

Messrs. Chronister and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Goodrich asked unanimous consent to be excused. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1, 6, and 14.

MOTION - Return LB 7 to Select File

Mr. Hoagland renewed his pending motion found in this day's Journal to return LB 7 to Select File for his pending specific amendment.

Mr. Landis moved the previous question. The question is, "Shall the

debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Messrs. Schmit and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

The Hoagland motion to return to Select File prevailed with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 7. The Hoagland specific amendment, AM116S, found in this day's Journal was considered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Hoagland amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 7 to Select File

Mrs. Higgins moved to return LB 7 to Select File for the following specific amendment:

Strike the first Beutler amendment to LB 7, found on pages 197 & 198 of the Legislative Journal, and Amendment 116S, offered by Senator Hoagland.

Messrs. Chronister and Goll asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Messrs. Withem, Rogers, and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Higgins moved for a call of the house. The motion prevailed

with 14 ayes, 0 nays, and 35 not voting.

Mrs. Higgins requested a roll call vote on her motion to return.

Voting in the affirmative, 15:

Baack	Hall	Higgins	Lynch	Nelson
Eret	Harris	Labedz	Marsh	Peterson
Haberman	Hartnett	Lamb	Morehead	Warner

Voting in the negative, 16:

Beutler	Conway	Landis	Nichol	Sieck
Beyer	Hoagland	Lundy	Remmers	Vickers
Carsten	Johnson, V.	Miller	Rupp	Wesely
Chizek				

Present and not voting, 7:

Abboud	Chambers	Hefner	Johnson, L.	Smith
Barrett	Hannibal			

Excused and not voting, 11:

Chronister	Goodrich	Pappas	Rogers	Scofield
DeCamp	Johnson, R.	Pirsch	Schmit	Withem
Goll				

The Higgins motion to return lost with 15 ayes, 16 nays, 7 present and not voting, and 11 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on November 13, 1985, at 11:55 a.m., were the following bills: 1, 6, and 14.

(Signed) Jan Loder, Enrolling Clerk

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 6e and LB 14.

(Signed) Jacklyn Smith

RESOLUTIONS

LEGISLATIVE RESOLUTION 24.

Introduced by Hoagland, 6th District; Hartnett, 45th District; Withem, 14th District; Chizek, 31st District; Beyer, 3rd District.

WHEREAS, the Bellevue Volunteer Fire Department and Sarpy County Sheriff's office have done an outstanding job in service to their community; and

WHEREAS, Chief John Stacey, Steve Betts, and their colleagues have efficiently and competently handled trauma cases as volunteer firemen; and

WHEREAS, Sheriff Pat Thomas, Sargeant Don Voss, and their colleagues have competently and ably investigated criminal activity and automobile accident injury cases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature recognizes and commends the outstanding operations of the Bellevue Volunteer Fire Department and the Sarpy County Sheriff's office.

2. That the Legislature recognizes and commends Chief John Stacey, Steve Betts, Sheriff Pat Thomas, Sargeant Don Voss and their colleagues for their dedication to duty, competence, and accomplishments.

Laid over.

LEGISLATIVE RESOLUTION 25.

Introduced by Haberman, 44th District.

WHEREAS, the following resolution was adopted by the Executive Committee of the Board of Directors of the University of Nebraska Foundation on October 23, 1985:

"RESOLUTION

WHEREAS, the Board of Regents of the University of Nebraska and the University of Nebraska-Lincoln in conjunction with the University of Nebraska Foundation are preparing to construct the $20,000,000 Lied Center for Performing Arts, and,

WHEREAS, the Lied Foundation Trust will pledge under certain conditions $10,000,000 to the construction of the Lied Center and has requested that the Board of Regents of the University of Nebraska and the University of Nebraska-Lincoln and the University of Nebraska Foundation undertake to provide

sufficient funds for the operation and maintenance of the Lied Center; and,

WHEREAS, the University of Nebraska Foundation is conducting a compaign to raise $5,000,000 for the purpose of creating a permanent endowment to operate and maintain the Lied Center;

Now therefore be it resolved by the Executive Committee of the Board of Directors of the University of Nebraska Foundation that:

The Executive Committee of the University of Nebraska Foundation hereby guarantees to the Board of Regents of the University of Nebraska that the University of Nebraska Foundation will create a permanent endowment fund of $5,000,000 for the purpose of providing appropriate utilities, janitorial services, and such other costs as may be properly identified with the operation of the Lied Center for Performing Arts. These funds are to be generated from pledges made to the Foundation for this purpose, from any excess earnings on revenue bonds of the Board of Regents issued for construction of the Lied Center, and to the extent these sources do not fully fund the endowment, the balance will come from unrestricted funds currently or subsequently held by the Foundation.

It is further resolved that this fund shall be in place no later than January 1, 1988"; and

WHEREAS, the cost of providing for the operation and maintenance of the Lied Center for Performing Arts has been a concern of many.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That the Legislature voices its support of the campaign to raise a $5,000,000 permanent endowment fund to operate and maintain the Lied Center.

Laid over.

LEGISLATIVE RESOLUTION 26.

Introduced by Hoagland, 6th District.

WHEREAS, the State of Nebraska provides cars for the use of

certain state employees in the course of their employment; and

WHEREAS, such state cars are used for state business and should be operated and managed economically and efficiently for the welfare of the State of Nebraska; and

WHEREAS, certain state cars, when being fueled at service stations, use full-service gas pumps when no need of the services is apparent; and

WHEREAS, there would be a savings to the state if state cars were fueled at self-service gas pumps, unless the services provided at full-service pumps are necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SPECIAL SESSION:

1. That each department and agency head of this state issue directives to state employees requiring them to use self-service pumps, instead of full-service pumps, when filling a state care with fuel to be paid for by the state unless services provided at full-service pumps are necessary.

2. That a copy of this resolution be sent to each department and agency head of the executive branch of the Nebraska state government.

Laid over.

VISITOR

Visitor to the Chamber was Carter McCann from Bellevue.

RECESS

At 12:16 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich, Hannibal, and Rupp who were excused; and Messrs. Barrett, DeCamp, Hoagland, R. Johnson, V. Johnson, Landis, Pappas, Vickers, and Mrs. Labedz who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: LB 7.

Correctly Engrossed

The following bill was correctly engrossed: LB 35.

(Signed) Timothy Hall, Chairperson

MOTION - Return LB 7 to Select File

Mr. Chambers moved to return LB 7 to Select File for the following specific amendment:
Strike enactment clause.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 2:

Abboud	Chambers

Voting in the negative, 21:

Beutler	Hefner	Lundy	Nichol	Smith
Beyer	Higgins	Marsh	Pirsch	Warner
Carsten	Johnson, L.	Morehead	Remmers	Wesely
Haberman	Lamb	Nelson	Scofield	Withem
Harris				

Present and not voting, 14:

Baack	Conway	Hall	Miller	Sieck
Chizek	Eret	Hartnett	Rogers	Vickers
Chronister	Goll	Lynch	Schmit	

Excused and not voting, 12:

Barrett	Goodrich	Hoagland	Johnson, V.	Landis
DeCamp	Hannibal	Johnson, R.	Labedz	Pappas

Peterson Rupp

The Chambers motion to return lost with 2 ayes, 21 nays, 14 present and not voting, and 12 excused and not voting.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 7A. Mr. Beutler offered the following amendment:
AM117S

1. Strike original section 1 and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $34,333 from the General Fund and $94,333 from Federal Funds for the period December 1, 1985, to June 30, 1986, and (2) $56,000 from the General Fund and $136,000 from Federal Funds for the period July 1, 1986, to June 30, 1987, to the Supreme Court, for Program 052, to aid in carrying out the provisions of Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $46,666 for the period December 1, 1985, to June 30, 1986, nor $80,000 for the period July 1, 1986, to June 30, 1987.

Sec. 2. There is hereby appropriated $50,000 from the Supreme Court Child and Spousal Support Fund for the period December 1, 1985, to June 30, 1986, and $50,000 from the Supreme Court Child and Spousal Support Fund for the period July 1, 1986, to June 30, 1987, to the Supreme Court, for Program 052, to aid in carrying out the provisions of Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $50,000 for the period December 1, 1985, to June 30, 1986, nor $50,000 for the period July 1, 1986, to June 30, 1987.

Sec. 3. There is hereby appropriated $50,000 from the Attorney General Support Enforcement Cash Fund for the period December 1, 1985, to June 30, 1986, and

$50,000 from the Attorney General Support Enforcement Cash Fund for the period July 1, 1986, to June 30, 1987, to the Attorney General, for Program 507, to aid in carrying out the provisions of Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $50,000 for the period December 1, 1985, to June 30, 1986, nor $50,000 for the period July 1, 1986, to June 30, 1987.

Sec. 4. There is hereby appropriated $208,953 from Federal Funds for the period July 1, 1986, to June 30, 1987, to the Attorney General, for Program 507, to aid in carrying out the provisions of Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $161,136 for the period July 1, 1986, to June 30, 1987.".

2. Renumber the remaining section accordingly.

The Beutler amendment was adopted with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler	Conway	Higgins	Morehead	Scofield
Beyer	Haberman	Lamb	Nelson	Sieck
Carsten	Hall	Lundy	Nichol	Smith
Chizek	Harris	Marsh	Pirsch	Wesely
Chronister	Hartnett	Miller	Remmers	Withem

Voting in the negative, 2:

Abboud	Chambers

Present and not voting, 9:

Baack	Goll	Lynch	Schmit	Warner
Eret	Johnson, L.	Rogers	Vickers	

Excused and not voting, 13:

Barrett	Hannibal	Johnson, R.	Landis	Peterson
DeCamp	Hefner	Johnson, V.	Pappas	Rupp
Goodrich	Hoagland	Labedz		

Advanced to E & R for Engrossment with 25 ayes, 2 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 11. Read. Considered.

Mr. Wesely moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

LR 11 was adopted with 25 ayes, 0 nays, and 24 not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 20. Read. Considered.

Mr. Chambers offered the following amendment:
In first "whereas", strike the word "INEXPENSIVE".

MR. CARSTEN PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 25 ayes, 2 nays, 10 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
Strike "resolve # 2".

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Landis and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Chambers requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 15:

Abboud	Conway	Higgins	Nelson	Sieck
Chambers	Eret	Lundy	Nichol	Smith
Chronister	Hall	Miller	Remmers	Vickers

Voting in the negative, 14:

Baack	Goll	Lamb	Morehead	Wesely
Barrett	Hefner	Landis	Peterson	Withem
Chizek	Johnson, L.	Marsh	Warner	

Present and not voting, 6:

Beyer	Hartnett	Pirsch	Rogers	Scofield
Carsten				

Absent and not voting, 3:

Haberman	Johnson, V.	Schmit

Excused and not voting, 11:

Beutler	Hannibal	Hoagland	Labedz	Pappas
DeCamp	Harris	Johnson, R.	Lynch	Rupp
Goodrich				

The Chambers amendment lost with 15 ayes, 14 nays, 6 present and not voting, 3 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Messrs. Chronister, Haberman, and Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
Strike Resolve #3

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Pending.

MOTION - Proposed Rules Change

Mr. Lamb offered the following proposed rules change:
To amend Rule 7, Section 9:
Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:
a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.
A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.
When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion, otherwise a motion to adjourn or recess is not debatable.
A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

Referred to the Rules Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 7A.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Lamb asked unanimous consent to be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 20. The Chambers pending amendment was considered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 7 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers	Hall	Nichol	Remmers	Vickers
Conway				

Voting in the negative, 23:

Abboud	Chizek	Johnson, L.	Morehead	Smith
Baack	Eret	Johnson, R.	Nelson	Warner
Barrett	Goll	Lundy	Pirsch	Wesely
Beyer	Hefner	Marsh	Scofield	Withem
Carsten	Higgins	Miller		

Present and not voting, 3:

Hartnett	Rogers	Sieck

Absent and not voting, 3:

Johnson, V.	Landis	Schmit

Excused and not voting, 14:

Beutler	Goodrich	Harris	Lamb	Peterson
Chronister	Haberman	Hoagland	Lynch	Rupp
DeCamp	Hannibal	Labedz	Pappas	

The Chambers amendment lost with 6 ayes, 23 nays, 3 present and not voting, 3 absent and not voting, and 14 excused and not voting.

Mr. Miller moved to suspend the rules and vote on LR 20.

Mr. Chambers raised a point of order on whether the motion as filed specified what rules were to be suspended.

The Chair ruled the motion out of order because it was not specific in stating what rules were to be suspended.

VISITOR

Visitor to the Chamber was Robert Luckhart of Costa Mesa, California.

ADJOURNMENT

At 3:44 p.m., on a motion by Mr. Vickers, the Legislature adjourned until 9:00 a.m., Thursday, November 14, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - NOVEMBER 14, 1985

LEGISLATIVE JOURNAL

FIFTEENTH DAY - NOVEMBER 14, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, November 14, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Carsten, Goodrich, Hall, Hoagland, R. Johnson, V. Johnson, Lamb, Landis, Lynch, Schmit, Wesely, Mesdames Labedz, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 151
November 13, 1985

Dear Senator Beutler:

You have requested our opinion concerning whether it would be constitutionally permissible for the Legislature to enact LB 10 during the current special session.

In a previous opinion, we concluded that, based on the principles outlined by the Nebraska Supreme Court in Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 689, 131 N.W.2d 134 (1964), the increase in the state income tax rate proposed under LB 10 was outside the scope of the Governor's proclamation for the special session. See Attorney General Opinion No. 135, October 24, 1985. Subsequent to the issuance of this opinion, the Governor issued an amended proclamation, including the subject of considering and enacting legislation to increase the state income tax rate within the call for the current special session. Your specific question concerns whether LB 10, which was introduced prior to the issuance of the Governor's amended proclamation, may validly be considered and enacted by the Legislature, provided the time requirements established by Article III, Section 14, of the Nebraska Constitution, are satisfied.

We have found no authority which would directly preclude the Legislature from validly enacting LB 10 under these circumstances, in conformance with the pertinent constitutional requirements. With the issuance of the Governor's amended proclamation, the subject matter encompassed by LB 10, providing for an increase in the state income tax rate, is clearly within the scope of the call, as required by Article IV, Section 8, of the Nebraska Constitution. Therefore, assuming the time requirements imposed under Article III, Section 14, of the Nebraska Constitution, are satisfied, we perceive no clear constitutional impediment to the enactment of LB 10.

Finally, in response to your inquiry regarding the propriety of the Legislature's consideration and enactment of LB 35, we believe that no constitutional provision would prohibit the Legislature from validly enacting this bill. LB 35, which also proposes to increase the state income tax rate, was introduced subsequent to the Governor's issuance of his amended proclamation, including the subject of raising the income tax rate. Thus, the subject matter of LB 35 clearly falls within the scope of the Governor's amended proclamation. Assuming the time requirements imposed by Article III, Section 14, are satisfied, we believe LB 35 may be enacted in conformance with the pertinent constitutional requirements. Should some members of the Legislature doubt the propriety of enacting LB 10 under the present circumstances, we feel LB 35 provides a clear means for the Legislature to validly act to increase the state income tax rate, should the Legislature choose to do so.

Very truly yours,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel

Assistant Attorney General

LJB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 11.

MOTION - Approve Appointments

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 177: Rodney L. Bates - Department of Economic Development, Director; James C. Barbee - Department of Banking and Finance, Director.

Voting in the affirmative, 29:

Abboud	Chronister	Harris	Morehead	Sieck
Baack	DeCamp	Hefner	Peterson	Smith
Barrett	Eret	Johnson, L.	Remmers	Vickers
Beutler	Goll	Lundy	Rogers	Warner
Beyer	Haberman	Marsh	Rupp	Withem
Chizek	Hannibal	Miller	Scofield	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Conway	Higgins	Nichol	Pappas

Excused and not voting, 15:

Carsten	Hartnett	Johnson, V.	Landis	Pirsch
Goodrich	Hoagland	Labedz	Lynch	Schmit
Hall	Johnson, R.	Lamb	Nelson	Wesely

These appointments were confirmed with 29 ayes, 0 nays, 5 present and not voting, and 15 excused and not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 168: John McLellan, Jr. - State Highway Commission; Babette T. (Bobbie) Prostok - State Highway Commission.

Voting in the affirmative, 29:

Abboud	Chizek	Hefner	Miller	Scofield
Baack	Conway	Higgins	Morehead	Sieck
Barrett	DeCamp	Johnson, L.	Peterson	Smith
Beutler	Eret	Lundy	Remmers	Vickers
Beyer	Haberman	Lynch	Rupp	Warner
Chambers	Hannibal	Marsh	Schmit	

Voting in the negative, 0.

Present and not voting, 8:

Chronister	Harris	Nichol	Rogers	Withem
Goll	Johnson, R.	Pappas		

Excused and not voting, 12:

Carsten	Hartnett	Labedz	Landis	Pirsch
Goodrich	Hoagland	Lamb	Nelson	Wesely
Hall	Johnson, V.			

These appointments were confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Messrs. Abboud and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 13. Read. Considered.

SPEAKER NICHOL PRESIDING

LR 13 was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE RESOLUTION 15. Read. Considered.

LR 15 was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE RESOLUTION 16. Read. Considered.

LR 16 was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE RESOLUTION 17. Read. Considered.

LR 17 was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 18. Read. Considered.

LR 18 was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 19. Read. Considered.

LR 19 was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 21. Read. Considered.

LR 21 was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 22. Read. Considered.

Mr. Withem offered the following amendment:

By striking the words "Papillion High School" and inserting "Papillion - La Vista High School", and by inserting "and La Vista" after the word "Papillion" in the third Whereas paragraph.

The Withem amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LR 22 was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 25. Read. Considered.

LR 25 was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 9. The Beutler-Schmit-Vickers-Rogers pending amendment found in the Journal on page 101 and renewed on page 170 was considered.

MR. HABERMAN PRESIDING

Mesdames Morehead, Higgins, Messrs. L. Johnson, and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp requested a ruling of the Chair on whether the Beutler et al. amendment is germane to LR 9.

The Chair ruled the Beutler et al. amendment is germane to the resolution.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Goll asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Vickers requested a roll call vote on the Beutler et al. amendment.

Voting in the affirmative, 27:

Baack	Haberman	Landis	Nichol	Smith
Beyer	Hall	Lundy	Peterson	Vickers
Carsten	Hannibal	Lynch	Rupp	Warner
Chizek	Harris	Miller	Schmit	Wesely
Chronister	Labedz	Nelson	Sieck	Withem
Eret	Lamb			

Voting in the negative, 3:

DeCamp	Hefner	Pirsch

Present and not voting, 5:

Abboud	Chambers	Conway	Marsh	Pappas

Absent and not voting, 2:

Johnson, R.	Scofield

Excused and not voting, 12:

Barrett	Goodrich	Hoagland	Johnson, V.	Remmers
Beutler	Hartnett	Johnson, L.	Morehead	Rogers
Goll	Higgins			

The Beutler et al. amendment was adopted with 27 ayes, 3 nays, 5 present and not voting, 2 absent and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Messrs. R. Johnson, Hannibal, Landis, Chronister, Chizek, and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Messrs. Pappas, Abboud, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

LR 9 was adopted with 25 ayes, 1 nay, 4 present and not voting, and 19 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 3 in the Journal. No objections. So ordered.

AM119S

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 4. No person shall advertise the sale of cigarettes by any of the following means: Newspaper, magazine, periodical, circular, radio, or television. Any person violating this section shall, for the first offense, be guilty of a Class IV misdemeanor, and for the second and all subsequent offenses, be guilty of a Class II misdemeanor.".

2. On page 1, line 7, after the semicolon insert "to prohibit certain advertising; to provide a penalty;".

3. On page 7, line 27, strike "6" and insert "7".

4. Renumber the remaining sections accordingly.

ADJOURNMENT

At 11:08 a.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Friday, November 15, 1985.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - NOVEMBER 15, 1985

LEGISLATIVE JOURNAL

SIXTEENTH DAY - NOVEMBER 15, 1985

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, November 15, 1985

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was excused; and Messrs. Goodrich, V. Johnson, Landis, Rupp, Sieck, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 152
November 14, 1985

Dear Senator V. Johnson:

This is in response to your letter of November 7, 1985. In that letter you express concern about the passage of an income tax bill by the special session without the emergency clause. In essence, your question is whether or not the income tax rate could be retroactively applied to 1985 if the effective date of the bill was in 1986 because

sufficient votes were not garnered for the passage of the bill with the emergency clause.

The general rule of law in regard to the question of the retroactive effect of an income tax is that a tax is not necessarily unconstitutional merely because it has some retroactive effect. Welch v. Henry, 305 U.S. 134 (1938). Likewise, in Opinion to the Governor, 170 A.2d 908 (R.I. 1961), the court noted that "it appears to us that the authorities are in substantial agreement that income tax statutes may within reasonable limits be given retroactive operation." Id. at 911.

This rule of law is particularly applicable where there is no specific constitutional prohibition against retroactive legislation. See, Annotation, Retroactive Effect of Income Tax, 11 A.L.R. 518, supplemented, 109 A.L.R. 523, 118 A.L.R. 1153. In Nebraska, of course, there is no such prohibition and the rule is that statutes may operate retrospectively where the legislative intent and purpose that it should so operate is clearly disclosed. Retired City Civilian Employees Club v. City of Omaha Employees Retirement System, 199 Neb. 507, 260 N.W.2d 472 (1977).

Absent such constitutional prohibitions, the chief objection to such legislation is that it constitutes a denial of due process. The general principle, however, is that retroactive operation of tax statutes do not per se violate the due process rights of taxpayers adversely affected thereby. Welch v. Henry, supra. It is necessary in each case, though, "to consider the nature of the tax and the circumstances in which it is laid before it can be said that its retroactive application is so harsh and oppressive as to transgress the constitutional limitation." Id. at 147.

In that case it was pointed out that the instances wherein due process was violated involved situations where the nature or the amount of the tax could not reasonably have been anticipated by the taxpayer at the time of the particular voluntary act which the statute later made the taxable event, or in other words, if the taxpayers were reasonably forewarned, the tax will not be held to be oppressive. Thus, "recent transactions" have generally been upheld to be taxable retroactively. In particular, in the case of Welch v. Henry, supra, which is the leading case on this question, the legislature's revision of the tax laws occurred in 1935 and operated retroactively upon income earned in 1933.

We have likewise found many situations wherein the courts have upheld the retroactive application of tax laws to January 1 of the year in which the act was passed, but none dealing specifically with the retroactive application of tax rates to a prior year. Nevertheless, considering the principles cited in Welch v. Henry, as well as the facts of that case, and in addition the fact that Nebraska taxpayers would have full knowledge in 1985 that the tax rates will be increased for

the 1985 tax year even though the law itself is not effective until 1986, we can find no basis for concluding that such a provision would be unconstitutional or necessarily unenforceable.

While such a result itself may not be constitutionally improper, there may nevertheless be tremendous practical and administrative difficulties under the current tax reporting statutes in implementing such a retroactive tax increase. Thus, from this standpoint alone, passage of such an income tax increase with the emergency clause would obviously be preferable.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 9, 13, 15, 16, 17, 18, 19, 21, 22, and 25.

RESOLUTIONS

LEGISLATIVE RESOLUTION 24. Read. Considered.

LR 24 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 26. Read. Considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hoagland moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Hoagland requested a roll call vote on the adoption of LR 26.

Voting in the affirmative, 27:

Abboud Barrett Beutler Beyer Carsten

Chizek	Hoagland	Lundy	Nelson	Rupp
Chronister	Johnson, V.	Lynch	Peterson	Schmit
Goodrich	Labedz	Marsh	Pirsch	Smith
Hannibal	Lamb	Miller	Remmers	Wesely
Harris	Landis			

Voting in the negative, 10:

Baack	DeCamp	Hefner	Johnson, L.	Pappas
Conway	Goll	Higgins	Nichol	Scofield

Present and not voting, 9:

Chambers	Haberman	Hartnett	Morehead	Warner
Eret	Hall	Johnson, R.	Rogers	

Excused and not voting, 3:

Sieck	Vickers	Withem

LR 26 was adopted with 27 ayes, 10 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

MOTION - Suspend Rules

Speaker Nichol moved to suspend the rules, Rule 6, Section 7 (b) to permit consideration of LBs 7, 7A, and 35 on final reading today.

The motion prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

MOTION - Return LB 3 to Select File

Mr. DeCamp moved to return LB 3 to Select File for the following specific amendment:

1. On page 2, line 18, strike "twenty-three" and insert "31"
2. On page 2, line 24, strike "eighteen" and insert "26"

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendment to LB 3

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM119S, found in the Journal on page 232 to LB 3. No objections. So ordered.

MOTION - Return LB 3 to Select File

Mrs. Marsh moved to return LB 3 to Select File for the following specific amendment:
Strike the enacting clause

Mrs. Marsh asked unanimous consent to withdraw her pending motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 3. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2602, 77-2602.03, and 77-2608, Revised Statutes Supplement, 1985, and Laws 1985, LB 653A, section 4; to change the cigarette tax; to change provisions relating to collection and distribution of the tax; to change the wholesale discount amount; to change an operative date; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 19:

Barrett	Hall	Johnson, L.	Miller	Scofield
Chambers	Harris	Johnson, V.	Nelson	Warner
Chronister	Hartnett	Lundy	Nichol	Wesely
Goll	Hoagland	Marsh	Peterson	

Voting in the negative, 26:

Abboud	Beyer	Conway	Haberman	Higgins
Baack	Carsten	DeCamp	Hannibal	Johnson, R.
Beutler	Chizek	Eret	Hefner	Labedz

Lamb	Morehead	Pirsch	Rogers	Schmit
Landis	Pappas	Remmers	Rupp	Smith
Lynch				

Present and not voting, 1:

Goodrich

Excused and not voting, 3:

Sieck Vickers Withem

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 18:

Barrett	Hall	Johnson, L.	Nelson	Scofield
Chambers	Harris	Lundy	Nichol	Warner
Chronister	Hartnett	Marsh	Peterson	Wesely
Goll	Hoagland	Miller		

Voting in the negative, 26:

Abboud	Conway	Hefner	Landis	Remmers
Baack	DeCamp	Higgins	Lynch	Rogers
Beutler	Eret	Johnson, R.	Morehead	Rupp
Beyer	Haberman	Labedz	Pappas	Schmit
Carsten	Hannibal	Lamb	Pirsch	Smith
Chizek				

Present and not voting, 2:

Goodrich Johnson, V.

Excused and not voting, 3:

Sieck Vickers Withem

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

MOTION - Adjournment

Mr. Chambers moved to adjourn sine die.

Mr. Chambers requested a roll call vote on his motion to adjourn.

Voting in the affirmative, 7:

Abboud	Chambers	Haberman	Hartnett	Pappas
Beyer	DeCamp			

Voting in the negative, 40:

Baack	Goll	Johnson, L.	Marsh	Rogers
Barrett	Goodrich	Johnson, R.	Miller	Rupp
Beutler	Hall	Johnson, V.	Morehead	Schmit
Carsten	Hannibal	Labedz	Nelson	Scofield
Chizek	Harris	Lamb	Nichol	Sieck
Chronister	Hefner	Landis	Peterson	Smith
Conway	Higgins	Lundy	Pirsch	Warner
Eret	Hoagland	Lynch	Remmers	Wesely

Excused and not voting, 2:

Vickers	Withem

The motion to adjourn lost with 7 ayes, 40 nays, and 2 excused and not voting.

MOTION - Return LB 5 to Select File

Mr. Haberman moved to return LB 5 to Select File for his specific amendment, AM085S, found in the Journal on page 193.

Mr. Haberman requested a record vote on his motion to return.

Voting in the affirmative, 19:

Abboud	DeCamp	Higgins	Marsh	Rogers
Barrett	Eret	Hoagland	Pappas	Rupp
Beyer	Haberman	Labedz	Pirsch	Sieck
Chambers	Hefner	Landis	Remmers	

Voting in the negative, 26:

Baack	Goodrich	Johnson, L.	Lynch	Peterson
Carsten	Hall	Johnson, R.	Miller	Schmit
Chizek	Hannibal	Johnson, V.	Morehead	Scofield
Chronister	Harris	Lamb	Nelson	Smith
Conway	Hartnett	Lundy	Nichol	Warner
Goll				

Present and not voting, 2:

Beutler Wesely

Excused and not voting, 2:

Vickers Withem

The Haberman motion to return lost with 19 ayes, 26 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Haberman moved to return LB 5 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Haberman asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-409 and 60-2116, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain provisions relating to driver education courses, instructors, and funds; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 60-409.02, 60-409.03, 60-409.04, and 60-409.12, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Baack	DeCamp	Hoagland	Lundy	Peterson
Beutler	Goll	Johnson, L.	Lynch	Schmit
Carsten	Hall	Johnson, R.	Miller	Scofield
Chizek	Hannibal	Johnson, V.	Nelson	Smith
Chronister	Hartnett	Labedz	Nichol	Warner
Conway	Higgins	Landis		

Voting in the negative, 18:

Abboud	Eret	Hefner	Pappas	Rogers
Barrett	Goodrich	Lamb	Pirsch	Rupp
Beyer	Haberman	Marsh	Remmers	Sieck
Chambers	Harris	Morehead		

Present and not voting, 1:

Wesely

Excused and not voting, 2:

Vickers Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Bracket LB 10

Mr. Warner asked unanimous consent to bracket LB 10 until later today. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 29. With Emergency.

A BILL FOR AN ACT relating to audits; to amend sections 23-252, 23-1608, 23-1613, and 79-2210.04, Reissue Revised Statutes of Nebraska, 1943, and section 84-304, Revised Statutes Supplement, 1984; to authorize certain public bodies to contract for audits; to change the duties of the Auditor of Public Accounts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	DeCamp	Higgins	Lynch	Remmers
Baack	Eret	Hoagland	Marsh	Rogers
Barrett	Goll	Johnson, L.	Miller	Rupp
Beutler	Goodrich	Johnson, R.	Morehead	Schmit
Beyer	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labedz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner			

Voting in the negative, 0.

Excused and not voting, 2:

Vickers Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 7. With Emergency.

A BILL FOR AN ACT relating to children; to amend sections 42-347, 42-348, 42-358, 42-358.02, 42-358.05 to 42-358.08, 42-364.13, 42-371, 42-821, 43-512 to 43-512.03, 43-512.05 to 43-512.08, 43-512.10, 43-1406, and 43-1411, Reissue Revised Statutes of Nebraska, 1943, section 77-27,161, Revised Statutes Supplement, 1984, and sections 42-364, 43-2,113, and 48-647, Revised Statutes Supplement, 1985; to state intent; to provide for the use of child support referees in certain counties as prescribed; to provide powers and duties for various courts, agencies, and officials; to create funds; to define and redefine terms; to change provisions relating to the establishment, collection, and enforcement of support for children; to change provisions relating to liens; to adopt the Income Withholding for Child Support Act; to change fee provisions; to extend the time for filing a paternity action; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Conway	Higgins	Marsh	Rogers
Baack	DeCamp	Hoagland	Miller	Rupp
Barrett	Goodrich	Johnson, V.	Morehead	Scofield
Beutler	Hall	Labedz	Nelson	Sieck
Beyer	Hannibal	Lamb	Pappas	Smith
Carsten	Harris	Landis	Peterson	Warner
Chizek	Hartnett	Lundy	Remmers	Wesely
Chronister	Hefner	Lynch		

Voting in the negative, 9:

Chambers	Goll	Johnson, L.	Nichol	Schmit
Eret	Haberman	Johnson, R.	Pirsch	

Excused and not voting, 2:

Vickers Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 7A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Carsten	Goodrich	Hefner	Labedz
Baack	Chizek	Hall	Higgins	Lamb
Barrett	Chronister	Hannibal	Hoagland	Landis
Beutler	Conway	Harris	Johnson, R.	Lundy
Beyer	DeCamp	Hartnett	Johnson, V.	Lynch

Marsh	Nelson	Peterson	Rupp	Smith
Miller	Nichol	Remmers	Scofield	Warner
Morehead	Pappas	Rogers	Sieck	Wesely

Voting in the negative, 7:

Chambers	Goll	Johnson, L.	Pirsch	Schmit
Eret	Haberman			

Excused and not voting, 2:

Vickers Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of November 14, 1985. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Hughes, E. Bryant - Little Rock, AR., American Medical International
Langland, Karen E. - St. Paul, MN., The St. Paul Companies
Rasmussen, Dennis - Lincoln, Martin Luther Home; Radcliffe, Walter/Tews & Radcliffe
Ullstrom, Galen F. - Omaha, Mutual of Omaha Insurance Company

MOTION - Return LB 35 to Select File

Mr. DeCamp moved to return LB 35 to Select File for the following specific amendment:

On Page 2, line 7, strike "twenty" and insert "nineteen and one-fourth"

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Hannibal moved to return LB 35 to Select File for the following specific amendment:
Strike Sect. one.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hannibal asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Abboud moved to return LB 35 to Select File for the following specific amendment:
Strike the enacting clause

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Abboud motion to return lost with 8 ayes, 30 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Haberman moved to return LB 35 to Select File for the following specific amendment:
Indefinitely postpone LB 35e

Mr. Haberman asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 35. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Revised Statutes Supplement, 1984; to change the income tax rate; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Hall requested a roll call vote.

Voting in the affirmative, 31:

Baack	Goll	Johnson, R.	Miller	Scofield
Beutler	Hannibal	Johnson, V.	Morehead	Sieck
Carsten	Harris	Landis	Nelson	Smith
Chizek	Hartnett	Lundy	Pappas	Warner
Chronister	Hoagland	Lynch	Remmers	Wesely
Conway	Johnson, L.	Marsh	Rupp	Withem
Eret				

Voting in the negative, 16:

Abboud	Goodrich	Hefner	Lamb	Pirsch
Barrett	Haberman	Higgins	Nichol	Rogers
Beyer	Hall	Labedz	Peterson	Schmit
DeCamp				

Excused and not voting, 2:

Chambers Vickers

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 24:

Beutler	Hannibal	Johnson, R.	Miller	Smith
Carsten	Harris	Landis	Morehead	Warner
Chizek	Hartnett	Lundy	Nelson	Wesely
Eret	Hoagland	Lynch	Rupp	Withem
Goll	Johnson, L.	Marsh	Scofield	

Voting in the negative, 20:

Abboud	Chronister	Hall	Lamb	Pirsch
Baack	DeCamp	Hefner	Nichol	Remmers
Barrett	Goodrich	Higgins	Pappas	Rogers
Beyer	Haberman	Labedz	Peterson	Schmit

Present and not voting, 3:

Conway Johnson, V. Sieck

Excused and not voting, 2:

Chambers Vickers

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 5, 7, 7A, and 29.

MOTION - Reconsider Action on LB 3

Mr. V. Johnson moved to reconsider the vote on final reading of LB 3 with the emergency clause stricken.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

The V. Johnson motion to reconsider prevailed with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 3.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Hall	Johnson, V.	Morehead	Scofield
Carsten	Harris	Landis	Nelson	Sieck
Chronister	Hartnett	Lundy	Nichol	Smith
Goll	Hoagland	Marsh	Peterson	Warner

Wesely Withem

Voting in the negative, 19:

Abboud	Conway	Hannibal	Labedz	Remmers
Beutler	DeCamp	Hefner	Lamb	Rogers
Beyer	Eret	Higgins	Pappas	Schmit
Chizek	Haberman	Johnson, R.	Pirsch	

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Chambers Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

VISITORS

Visitors to the Chamber were Don Egenberger; and Dennis, Mark, and Scott Schneider from Culbertson.

RECESS

At 12:27 p.m., on a motion by Speaker Nichol, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was excused.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 3.

(Signed) Timothy Hall, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: LB 3.

PRESENTED TO THE GOVERNOR

Presented to the Governor on November 15, 1985, at 12:45 p.m., were the following bills: 5, 7, 7A, and 29.

(Signed) Peggy Prey, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

November 15, 1985

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I am herewith returning LB 1, with my signature, but with certain line-item veto reductions.

I am, with this message, line item vetoing an additional $24 million. The purpose of this veto is to take the only course of action left to me which will keep us in conformance with our oath of office.

We have all been elected to represent the people of Nebraska. We have all sworn an oath to uphold the Constitution and the laws of this State.

You have taken action to reduce the fiscal year 85-86 budget by $17 million dollars.

The shortfall between what we expect to generate in revenue and what we know we will face in expenses has been defined as $41 million. This definition occurs in part because you and I have agreed that we should provide a 3% reserve. However, the greater part has its origin in statute.

The laws of Nebraska provide that a Revenue Forecasting Committee be created which will estimate what future revenues will be with given tax rates.

In May the forecast was that sales tax of 3 1/2% and income tax of 19% would generate $877.2 million. This legislature used this projection to build a budget for fiscal year 1985-86 of $828.3 million which provided a 3.6% reserve.

On September 27, the forecast was revised so that it is currently projected that 3 1/2% sales and 19% income tax will generate $833.0 million. In order to generate a 3% reserve we must either cut $41 million, raise $41 million in additional taxes, or a combination of the two.

We simply do not have the statutory authority to ignore the forecast of this committee. We cannot simply ignore the problem and walk away.

From the beginning of this Special Session I have attempted to select a middle course. I recommended $18 million of budget cuts plus increases in selected taxes, fees, and transfers from various funds. When the fund transfer and fee increase were defeated, I expanded the call to include a 1% increase in the income tax.

From the beginning I have indicated that budget reductions beyond $18 million were excessive and would damage this State's future. When the income tax option was not available your appropriations committee considered solving the entire problem with budget reductions. However, they concluded that such reductions were unwise.

As unwise as they are we cannot simply pretend that we have upheld our constitutional and statutory obligations by reducing the budget $17 million. We have not.

I have, therefore, line item vetoed an additional $24 million. In making these reductions, I have utilized the recommendations of the Appropriations Committee that were prepared under the assumption that revenue increases would not be enacted. The combined impact of these vetoes is the reduction of the budget by an additional $24 million bringing the total to $41 million.

I make these vetoes with the full recognition that they will mean major program reductions or eliminations. As difficult and unpleasant as this may be, the alternative is completely unacceptable. We only have two choices, decrease the budget or increase the revenues. We have seen the chaos that exists at the federal level where the inability or unwillingness to face a fiscal reality has lead us to the brink of disaster. I will not and can not be a party to that type of irresponsible action.

Even if our Constitution did not demand a balanced budget, our citizens would.

Sincerely,
(Signed) ROBERT KERREY

Governor

RK/kks

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 24 and LR 26.

MESSAGES FROM THE GOVERNOR

November 15, 1985

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 6 and 14 were received in my office on November 13, 1985.

These bills were signed by me on November 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

November 15, 1985

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 5, 29, 7, and 7A were received in my office on November 15, 1985.

These bills were signed by me on November 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

MOTION - Reconsider Action on LB 35

Mr. Chambers moved to reconsider the Final Passage of LB 35 with emergency clause attached.

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

The Chambers motion to reconsider prevailed with 35 ayes, 13 nays, and 1 excused and not voting.

The Chair declared the call raised.

MOTION - Return LB 35 to Select File

Mr. DeCamp moved to return LB 35 to Select File for the following specific amendment:
Strike Section 1

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Haberman moved to return LB 35 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Haberman asked unanimous consent to withdraw his motion to return. No objections. So ordered.

Mrs. Labedz moved to return LB 35 to Select File for the following specific amendment:
Strike the enacting clause.

Mrs. Labedz asked unanimous consent to withdraw her pending motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 35. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Baack	Eret	Johnson, L.	Miller	Scofield
Beutler	Goll	Johnson, R.	Morehead	Sieck
Carsten	Hall	Johnson, V.	Nelson	Smith
Chambers	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Lundy	Remmers	Wesely
Chronister	Hartnett	Lynch	Rupp	Withem
Conway	Hoagland	Marsh		

Voting in the negative, 15:

Abboud	DeCamp	Hefner	Lamb	Pirsch
Barrett	Goodrich	Higgins	Nichol	Rogers
Beyer	Haberman	Labedz	Peterson	Schmit

Excused and not voting, 1:

Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Speaker Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 35.

PRESENTED TO THE GOVERNOR

Presented to the Governor on November 15, 1985, at 2:30 p.m., was the following bill: 3.

(Signed) Pam Moravec, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

November 15, 1985

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 3 was received in my office on November 15, 1985.

This bill was signed by me on November 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

EASE

The Legislature was at ease from 3:21 p.m. until 3:33 p.m.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

APPROPRIATIONS COMMITTEE REPORT

Mr. Warner reported pursuant to Rule 6, Section 14, the Appropriations Committee having received the Governor's line item vetoes of LB 1 and pursuant to the review, the Appropriations Committee by majority vote has decided to recommend to the

Legislature overriding all line item reductions to LB 1.

MOTION - Override Veto on LB 1

Mr. Warner moved that LB 1 become law notwithstanding the objection of the Governor.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item vetoes of the Governor?'"

Voting in the affirmative, 37:

Baack	Eret	Johnson, L.	Miller	Rupp
Barrett	Goll	Johnson, V.	Morehead	Scofield
Beutler	Hall	Labedz	Nelson	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chambers	Harris	Lundy	Pirsch	Warner
Chizek	Hartnett	Lynch	Remmers	Wesely
Chronister	Higgins	Marsh	Rogers	Withem
Conway	Hoagland			

Voting in the negative, 9:

Abboud	DeCamp	Haberman	Lamb	Schmit
Beyer	Goodrich	Hefner	Peterson	

Excused and not voting, 3:

Johnson, R.	Nichol	Vickers

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item vetoes of the Governor.

COMMUNICATION

November 15, 1985

The Honorable Allen Beermann
Secretary of State

State Capitol Building
Room 2300
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of LB 1, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/rz
Enc.
cc: Governor Kerrey

CERTIFICATE

Legislative Bill 1 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden all line-item vetoes.

These provisions have become law the 15th day of November, 1985.

(Signed) Donald F. McGinley
President of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on November 15, 1985, at 3:34 p.m., was the following bill: 35.

(Signed) Pam Moravec, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

November 15, 1985

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 35 was received in my office on November 15, 1985.

This bill was signed by me on November 15, 1985 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

MOTION - Advise Governor

Mr. Sieck moved that a committee of five be appointed to advise the Governor that the Legislature has completed its work and is ready to adjourn and to ask if he has any further message for the Legislature.

The motion prevailed.

The Chair appointed Messrs. Eret, Carsten, Landis, Hall, and Rupp to serve on said committee.

The committee returned and escorted Governor Robert Kerrey to the rostrum where he delivered a message to the members.

The committee escorted the Governor from the Chamber.

MOTION - Approve Journal

Mr. Harris moved that the Legislative Journal for the Sixteenth Day be approved as prepared by the Clerk.

The motion prevailed.

MOTION - Adjourn Sine Die

Mr. Goll moved that the Eighty-Ninth Legislature, Second Special Session of the Legislature, having finished all business before it, now at 4:07 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION

MESSAGE FROM THE SECRETARY OF STATE

November 15, 1985

Patrick J. O'Donnell
Clerk of the Legislature
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to acknowledge receipt of Engrossed Legislative Bill 1 passed by the Eighty-ninth Legislature, second special session, on the 13th day of November, 1985 and signed by the Governor, Bob Kerrey, on November 15, 1985 with certain line-item vetoes.

Further, I acknowledge receipt of a copy of the line-item veto reduction message dated November 15 and signed by Governor Robert Kerrey. The letter was addressed to the President, the Speaker and the Members of the Legislature.

Further, I hereby acknowledge receipt of a letter dated November 15, addressed to the Secretary of State from Patrick J. O'Donnell, Clerk of the Legislature, indicating that, pursuant to the provisions of 84-503, R.R.S., we are forwarding Legislative Bill 1 with a certificate attached and signed by the President of the Legislature, certifying the passage of Legislative Bill 1, notwithstanding the objections of the Governor.

Further, I hereby acknowledge receipt of a certificate dated November 15, 1985, and signed by Donald F. McGinley, presiding officer of the Legislature, the contents of which are as follows:

> Legislative Bill 1 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden all line-item vetoes.
>
> These provisions have become law the 15th day of November 1985.

Further, I hereby certify that Engrossed Legislative Bill 1, the Governor's line-item reduction message, the letter from the Clerk of the Legislature and the certificate from the presiding officer of the

Legislature have all been received in this office, the office of Secretary of State, on November 15, 1985, and have been officially filed and made a part of the public record.

Finally, I hereby inform you that Engrossed Legislative Bill 1, with the certificate will be bound and made a part of the permanent record in the office of Secretary of State.

I do hereby request that a copy of this letter and certificate which is attached be placed in the Legislative Journal for November 15, 1985, Eighty-ninth Legislature, second Special Session.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1, passed by the Eighty-ninth Legislature, second special session, on the 13th day of November, 1985 and signed by the Governor, Bob Kerrey, on November 15, 1985 with certain line-item vetoes, was officially filed in the office of Secretary of State on Friday, November 15, 1985.

Further, I acknowledge receipt of a copy of the line-item veto reduction message dated November 15 and signed by Governor Robert Kerrey. The letter was addressed to the President, the Speaker and the Members of the Legislature.

Further, I hereby acknowledge receipt of a letter dated November 15, addressed to the Secretary of State from Patrick J. O'Donnell, Clerk of the Legislature, indicating that, pursuant to the provisions of 84-503, R.R.S., we are forwarding Legislative Bill 1 with a certificate attached and signed by the President of the Legislature, certifying the passage of Legislative Bill 1, notwithstanding the objections of the Governor.

Further, I hereby acknowledge receipt of a certificate dated November 15, 1985, and signed by Donald F. McGinley, presiding officer of the Legislature, the contents of which are as follows:

> Legislative Bill 1 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden all line-item vetoes.
> These provisions have become law the 15th day of November,

1985.

Further, I hereby certify that Engrossed Legislative Bill 1, the Governor's line-item reduction message, the letter from the Clerk of the Legislature and the certificate from the presiding officer of the Legislature have all been received in this office, on November 15, 1985, and have been officially filed and made a part of the public record.

Finally, I hereby inform you that Engrossed Legislative Bill 1, with the certificate will be bound and made a part of the permanent record in the office of Secretary of State.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this fifteenth day of November in the year of our Lord, one thousand nine hundred and eighty-five.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

November 15, 1985

Patrick J. O'Donnell
Clerk of the Legislature
Lincoln, Nebraska

Dear Mr. O'Donnell:

This letter is to inform you, and to place in the Journal, the fact that Engrossed Legislative Bills 3, 5, 6, 7, 7A, 14, 29 and 35, having been passed by the Eighty-ninth Legislature, Second Special Session, and having been signed by Governor Bob Kerrey on November 15, 1985, were officially filed in the office of Secretary of State on Friday, November 15, 1985.

Further, I hereby acknowledge that said bills are now a part of the public record in the office of Secretary of State and are open to public inspection.

Further, I hereby certify that the Engrossed Legislative Bills will become effective as prescribed in each Engrossed Legislative Bill.

Finally, I hereby certify that these referenced Engrossed Legislative Bills will be appropriately bound and become a part of the permanent record in the office of Secretary of State.

Gratefully acknowledged,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bills 3, 5, 6, 7, 7A, 14, 29 and 35, having been passed by the Eighty-ninth Legislature, Second Special Session, and having been signed by Governor Bob Kerrey on November 15, 1985, were officially filed in the office of Secretary of State on Friday, November 15, 1985.

Further, I hereby acknowledge that said bills are now a part of the public record in the office of Secretary of State and are open to public inspection.

Further, I hereby certify that the Engrossed Legislative Bills will become effective as prescribed in each Engrossed Legislative Bill.

Finally, I hereby certify that these referenced Engrossed Legislative Bills will be appropriately bound and become a part of the permanent record in the office of Secretary of State.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this fifteenth day of November in the year of our Lord, one thousand nine hundred and eighty-five.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-Ninth Legislature, Second Special Session and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

November 19, 1985
Lincoln, Nebraska

CHRONOLOGY OF BILLS

EIGHTY-NINTH LEGISLATURE
SECOND SPECIAL SESSION
1985

LEGISLATIVE BILL 1. By Speaker Nichol at request of Governor

Oct.	17	1	Read first time	5
Oct.	18	2	Referred to Committee on Appropriations	14
Oct.	18	2	Notice of hearing (10/21-23)	24
Oct.	28	4	Haberman amendment #036S printed	51
Oct.	29	5	Placed on General File - Com am #062S	56
Oct.	29	5	Committee amendment #062S - division of question sustained. Beutler amendment #053S lost. Beutler amendment #054S adopted. DeCamp-V. Johnson-Remmers-Beutler amendment #057S ruled not germane and withdrawn. Committee amendment #062S (1) adopted as amended. DeCamp et al amendment #057S reoffered to committee amendment #062S (2)	59
Oct.	29	5	DeCamp et al pending amendment #057S page 62 lost	65
Oct.	29	5	Committee amendment #2 - division of question sustained. Committee amendment, sections 2, 3, 4, 5, 6, 7, 8, 9, and 10 adopted	67
Oct.	29	5	R. Johnson-Vickers amendments (1) and (2) printed	69
Oct.	29	5	R. Johnson-Vickers amendments (3), #059S (4), and Vickers amendment #060S printed	70
Oct.	30	6	Committee amendment, sections 12, 13, 15, 17-20, 22, 24-27, 29-35, 39, 40, 42-46, 48-59, and 61-63 adopted. Vickers pending amendment #060S page 70 lost. Committee amendment, section 11 adopted. R. Johnson-Vickers pending amendment (1) page 69 - division of question sustained, (1) lost and (2) to committee amendment, section 16 adopted. R. Johnson-Vickers pending	

amendments (2) page 69 and (3) page 70 withdrawn. R. Johnson-Vickers pending amendment #059S (4) to committee amendment, section 16 adopted 74
Oct. 30 6 Haberman amendment to committee amendment, section 16 withdrawn. Committee amendment section 16 adopted as amended. V. Johnson amendment to committee amendment, section 14 lost. Committee amendment, section 14 adopted. Committee amendment, section 21 lost 79
Oct. 30 6 Committee amendment, section 23 adopted. Lamb-Chronister-Eret-Vickers-R. Johnson-Baack-Rupp-Morehead amendment to committee amendment, section 38 printed 84
Oct. 31 7 Lynch motion to postpone consideration until January 1986 withdrawn 88
Oct. 31 7 Committee amendment, sections 28, 36, 37, 38, 41, 47, and 60 adopted. Chambers amendments lost. Advanced for Review 89
Nov. 4 8 Placed on Select File - AM5181 97
Nov. 4 8 Vickers amendment #069S printed 105
Nov. 4 8 Warner amendment #070S printed 109
Nov. 4 8 Warner amendment #073S printed 110
Nov. 4 8 R. Johnson amendment printed 111
Nov. 5 9 AM5181 (E & R) adopted. Appropriations Committee amendment adopted 114
Nov. 5 9 Appropriation Committee amendments adopted. Higgins motion to bracket until 12/24/85 lost. Lamb et al pending amendment page 84 lost. Wesely-Nelson amendment - division of question sustained - #1 lost, #2 withdrawn. Wesely amendment adopted. Lamb amendment lost. Vickers pending amendment #069S page 105 adopted. Landis-Vickers-R. Johnson amendment adopted 118
Nov. 5 9 V. Johnson amendment printed 125
Nov. 5 9 Warner pending amendments #070S and #073S adopted 126
Nov. 6 10 R. Johnson motion to reconsider Lamb et al amendment page 84 lost 132
Nov. 6 10 Pirsch-Chizek amendment lost. DeCamp motion to suspend rules prevailed. Advanced for Engrossment 135

Nov.	7	11	Expedited	155
Nov.	7	11	Correctly Engrossed	157
Nov.	7	11	Vickers amendment printed	158
Nov.	7	11	Attorney General's Opinion #146 to Warner	159
Nov.	12	13	Haberman motion to return to Select File withdrawn. Haberman pending amendment #036S page 51 withdrawn. Withem-Chizek-Hartnett motion to return to Select File lost. V. Johnson motion to return to Select File for pending amendment page 125 pending	183
Nov.	12	13	Attorney General's Opinion #149 to DeCamp	185
Nov.	12	13	Returned to Select File for V. Johnson pending amendment. V. Johnson pending amendment page 125 lost	187
Nov.	12	13	Beutler motion to reconsider V. Johnson amendment page 125 prevailed	189
Nov.	12	13	V. Johnson reconsidered amendment p. 125 lost. Readvanced to Final Reading	190
Nov.	12	13	Hartnett motion to reconsider Withem et al motion page 183 lost	191
Nov.	12	13	Sieck motion to return to Select File lost. Vickers motion to return to Select File withdrawn. Vickers pending amendment page 158 withdrawn	192
Nov.	13	14	DeCamp motion to suspend rules prevailed. Final Reading w/E 43-4-2	210
Nov.	13	14	Speaker signed	212
Nov.	13	14	Presented to Governor (11/13)	214
Nov.	15	16	Approved by Governor with line-item vetoes (11/15)	250
Nov.	15	16	Appropriation Committee recommendations. Warner motion to override vetoes prevailed 37-9-3	255
Nov.	15	16	Communication	256
Nov.	15	16	Certificate	257
Nov.	19	AJ	Message from Secretary of State	259
Nov.	19	AJ	Certificate	260

LEGISLATIVE BILL 2. By Speaker Nichol at request of Governor

Oct.	17	1	Read first time	6
Oct.	18	2	Referred to Committee on Revenue	14
Oct.	18	2	Notice of hearing (10/23)	15
Oct.	19	3	Notice of hearing (Reset time)	28

Oct. 28 4 Placed on General File 38
Oct. 28 4 Vickers amendment ruled within Call. Vickers amendment lost. Failed to advance for Review 51

LEGISLATIVE BILL 3. By Speaker Nichol at request of Governor

Oct. 17 1 Read first time 6
Oct. 18 2 Referred to Committee on Revenue 14
Oct. 18 2 Notice of hearing (10/23) 15
Oct. 19 3 Notice of hearing (reset time) 28
Oct. 28 4 Placed on General File - Com am #046S 38
Oct. 28 4 Committee amendment #046S adopted 54
Nov. 4 8 Marsh amendment #066S and Chambers amendment lost 102
Nov. 4 8 Hefner amendment #072S ruled within Call. Chair ruled bill within Call. DeCamp motion to overrule Chair lost. Hefner amendment #072S pending 104
Nov. 4 8 Hefner pending amendment #072S page 104 and V. Johnson amendment adopted. Advanced for Review 107
Nov. 5 9 Placed on Select File - AM5183 115
Nov. 6 10 Attorney General's Opinion #144 to DeCamp 130
Nov. 7 11 AM5183 (E & R) adopted. Landis-Warner amendment adopted. Failed to advance for Engrossment 155
Nov. 12 13 Advanced for Engrossment 178
Nov. 12 13 Correctly Engrossed 184
Nov. 12 13 ER0110 change 185
Nov. 14 15 Schmit amendment #119S printed 232
Nov. 15 16 DeCamp and Marsh motions to return to Select File withdrawn. Schmit pending amendment #119S page 232 withdrawn. Failed on Final Reading w/E 19-26-4. Failed on Final Reading 18-26-5 237
Nov. 15 16 V. Johnson motion to reconsider vote on Final Reading prevailed. Final Reading 27-19-3 248
Nov. 15 16 Correctly Enrolled 249
Nov. 15 16 President signed 250
Nov. 15 16 Presented to Governor (11/15). Approved by Governor (11/15) 255
Nov. 19 AJ Message from Secretary of State 261
Nov. 19 AJ Certificate 262

LEGISLATIVE BILL 4. By Speaker Nichol at request of Governor

Oct.	17	1	Read first time	6
Oct.	18	2	Referred to Committee on Public Works	14
Oct.	18	2	Notice of hearing (10/23)	26
Oct.	29	5	Indefinitely postponed	65

LEGISLATIVE BILL 5. By Speaker Nichol at request of Governor

Oct.	17	1	Read first time	6
Oct.	18	2	Referred to Committee on Education	15
Oct.	19	3	Notice of hearing (10/24)	29
Oct.	29	5	Placed on General File	67
Nov.	4	8	Advanced for Review	109
Nov.	5	9	Placed on Select File - AM5182	116
Nov.	7	11	AM5182 (E & R) adopted. Sieck amendment #094S lost. Vickers-Remmers amendment adopted. Advanced for Engrossment	158
Nov.	8	12	Correctly Engrossed	163
Nov.	12	13	Haberman amendment #085S printed	193
Nov.	15	16	Haberman motion to return to Select File for amendment #085S lost. Haberman motion to return to Select File withdrawn. Final Reading 28-18-3	240
Nov.	15	16	President signed	248
Nov.	15	16	Presented to Governor (11/15)	250
Nov.	15	16	Approved by Governor (11/15)	252
Nov.	19	AJ	Message from Secretary of State	261
Nov.	19	AJ	Certificate	262

LEGISLATIVE BILL 6. By Speaker Nichol at request of Governor

Oct.	17	1	Read first time	6
Oct.	18	2	Referred to Committee on Revenue. Notice of hearing (10/23)	15
Oct.	19	3	Notice of hearing (reset time)	28
Oct.	28	4	Placed on General File	38
Oct.	28	4	Advanced for Review	50
Oct.	29	5	Placed on Select File	56
Nov.	5	9	Abboud amendment lost. Advanced for Engrossment	113
Nov.	6	10	Correctly Engrossed	128
Nov.	13	14	Abboud and Marsh motions to return to Select File withdrawn	207

Nov. 13 14 Final Reading w/E 41-7-1 208
Nov. 13 14 Speaker signed 212
Nov. 13 14 Presented to Governor (11/13).
Smith explanation of vote 214
Nov. 15 16 Approved by Governor (11/15) 252
Nov. 19 AJ Message from Secretary of State 261
Nov. 19 AJ Certificate 262

LEGISLATIVE BILL 7. By Speaker Nichol at request of Governor

Oct. 17 1 Read first time 7
Oct. 18 2 Referred to Committee on Judiciary 15
Oct. 19 3 Notice of hearing (10/24) 36
Nov. 6 10 Placed on General File - Com am #089S 129
Nov. 6 10 Committee amendment #089S adopted.
V. Johnson amendment lost.
Advanced for Review 130
Nov. 7 11 Placed on Select File - AM5185 156
Nov. 7 11 Lynch amendment #095S to committee
amendment printed 157
Nov. 12 13 AM5185 (E & R) adopted. Lynch pending
amendment #095S p. 157 adopted.
Beutler amendment #103S to committee
amendment adopted. Withem amendment
withdrawn. Beutler-V. Johnson-DeCamp
amendment to committee amendment -
division of question sustained.
Beutler et al amendments #1 and #2
adopted. Barrett amendment #105S
and Hoagland amendment #114S to
committee amendment adopted. V. Johnson
amendment #111S withdrawn. Haberman
motion to indefinitely postpone
withdrawn. Beutler-V. Johnson amendment
to committee amendment adopted.
Hoagland-Lynch amendment adopted.
Advanced for Engrossment 195
Nov. 13 14 Correctly Engrossed. ER0112 change 207
Nov. 13 14 Hoagland motion to return to Select File
for amendment #116S pending 211
Nov. 13 14 Returned to Select File for Hoagland
amendment. Hoagland pending amendment
#116S adopted. Advanced for
Re-Engrossment. Higgins motion to
return to Select File lost 212

Nov. 13 14 Correctly Re-Engrossed. Chambers motion to return to Select File lost 218
Nov. 15 16 Nichol motion to suspend rules prevailed 237
Nov. 15 16 Final Reading w/E 38-9-2 243
Nov. 15 16 President signed 248
Nov. 15 16 Presented to Governor (11/15) 250
Nov. 15 16 Approved by Governor (11/15) 252
Nov. 19 AJ Message from Secretary of State 261
Nov. 19 AJ Certificate 262

LEGISLATIVE BILL 7A. By Warner

Nov. 6 10 Read first time. Placed on General File 132
Nov. 7 11 Nichol amendment #096S adopted. Advanced for Review 150
Nov. 8 12 Placed on Select File 163
Nov. 13 14 Beutler amendment #117S adopted. Advanced for Engrossment 219
Nov. 13 14 Correctly Engrossed 223
Nov. 15 16 Nichol motion to suspend rules prevailed 237
Nov. 15 16 Final Reading w/E 40-7-2 244
Nov. 15 16 President signed 248
Nov. 15 16 Presented to Governor (11/15) 250
Nov. 15 16 Approved by Governor (11/15) 252
Nov. 19 AJ Message from Secretary of State 261
Nov. 19 AJ Certificate 262

LEGISLATIVE BILL 8. By Warner

Oct. 17 1 Read first time 7
Oct. 18 2 Referred to Committee on Appropriations 15
Oct. 18 2 Notice of hearing (10/21-23) 24

LEGISLATIVE BILL 9. By Warner

Oct. 17 1 Read first time 8
Oct. 18 2 Referred to Committee on Appropriations 15
Oct. 18 2 Notice of hearing (10/21-23) 24

LEGISLATIVE BILL 10. By Warner

Oct. 17 1 Read first time 8
Oct. 18 2 Referred to Committee on Revenue. Notice of hearing (10/23) 15
Oct. 19 3 Notice of hearing (10/23) 28

Oct. 28 4 Placed on General File 38
Oct. 28 4 Attorney General's Opinion #135 to Warner 40
Oct. 28 4 Attorney General's Opinion #136 to Beutler 43
Nov. 6 10 Chair ruled bill within Call. DeCamp challenge lost. Warner amendment adopted. Advanced for Review 140
Nov. 7 11 Placed on Select File - AM5186 148
Nov. 7 11 DeCamp amendment #097S printed 151
Nov. 7 11 Expedited 155
Nov. 8 12 Attorney General's Opinion #147 to Governor Kerrey 165
Nov. 8 12 Rogers amendment #099S printed 168
Nov. 12 13 AM5186 (E & R) adopted. DeCamp pending amendment #097S page 151 ruled not within Call and withdrawn. Rogers pending amendment #099S page 168 withdrawn. Advanced for Engrossment 181
Nov. 12 13 Correctly Engrossed 184
Nov. 14 15 Attorney General's Opinion #151 to Beutler 226
Nov. 15 16 Attorney General's Opinion #152 to V. Johnson .. 234
Nov. 15 16 Bracketed 242

LEGISLATIVE BILL 11. By Sieck

Oct. 17 1 Read first time 8
Oct. 18 2 Referred to Committee on Revenue. Notice of hearing (10/23) 15
Oct. 19 3 Notice of hearing (10/23) 28
Oct. 28 4 Attorney General's Opinion #135 to Warner 40
Oct. 28 4 Attorney General's Opinion #136 to Beutler 43

LEGISLATIVE BILL 12. By Abboud

Oct. 17 1 Read first time 8
Oct. 18 2 Referred to Committee on Revenue. Notice of hearing (10/23) 15
Oct. 19 3 Notice of hearing (10/23) 28
Oct. 28 4 Attorney General's Opinion #136 to Beutler 43

LEGISLATIVE BILL 13. By Hefner

Oct. 17 1 Read first time 8
Oct. 18 2 Referred to Committee on Revenue. Notice of hearing (10/23) 15
Oct. 19 3 Notice of hearing (10/23) 28

Oct. 28 4 Attorney General's Opinion #136 to Beutler 43

LEGISLATIVE BILL 14. By Banking, Commerce and Insurance Committee and Hartnett

Oct. 17 1 Read first time 9
Oct. 18 2 Referred to Committee on Banking, Commerce and Insurance 15
Oct. 18 2 Notice of hearing (10/25) 23
Oct. 28 4 Placed on General File - Com am #047S 38
Oct. 28 4 Notice of hearing (10/25) 50
Nov. 4 8 DeCamp-Lamb amendment to committee amendment withdrawn. Committee amendment #047S adopted. Advanced for Review 109
Nov. 5 9 Placed on Select File - AM5184 116
Nov. 6 10 AM5184 (E & R) adopted. Advanced for Engrossment 140
Nov. 7 11 Correctly Engrossed 149
Nov. 7 11 Expedited 155
Nov. 13 14 DeCamp motion to return to Select File withdrawn 208
Nov. 13 14 Final Reading w/E 47-1-1 209
Nov. 13 14 Speaker signed 212
Nov. 13 14 Presented to Governor (11/13). Smith explanation of vote 214
Nov. 15 16 Approved by Governor (11/15) 252
Nov. 19 AJ Message from Secretary of State 261
Nov. 19 AJ Certificate 262

LEGISLATIVE BILL 15. By Peterson, Haberman, Nichol Rupp, Morehead, Hefner, Lamb, Remmers, Barrett, R. Johnson

Oct. 17 1 Read first time 12
Oct. 18 2 Referred to Committee on Revenue. Notice of hearing (10/23) 15
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Oct.	19	3	Referred to Committee on Constitutional Revision and Recreation	35
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CHRIS ABBOUD

LB
12 Eliminate Cash Reserve Fund.

WILLIAM BARRETT

LB
15* Exempt occasional sale of farm machinery from sales tax collection requirement.

CHRIS BEUTLER

LB
34** Provide for sales tax on services.

HARRY B. CHRONISTER

LB
30* Create the State of Nebraska Bank.

JOHN W. DECAMP

LB
19* Transfer balance of Cash Reserve Fund to General Fund.
20 Reduce appropriations contained in LB 722, 1985.
21 Repeal Nebraska Property and Liability Insurance Guaranty Association Act and Nebraska Life and Health Insurance Guaranty Association Act.
22* Adopt Political Subdivision Budget Limit Act.
27 Authorize the operation of mechanical lotteries.
LR
2CA Establish limit on operational costs used by public schools from property tax.

DON ERET

LB
15* Exempt occasional sale of farm machinery from sales tax collection requirement.

REX HABERMAN

LB
15* Exempt occasional sale of farm machinery from sales tax collection requirement.

19* Transfer balance of Cash Reserve Fund to General Fund.
23 Provide a sales tax exemption for materials used to repair farm trucks.
24 Eliminate sales tax exemption for repair parts for common carriers.
25 Eliminate sales tax exemption for repair parts for railroads and common carriers.
26 Eliminate sales tax exemption for repair parts for railroad rolling stock.
31* Adopt Nebraska State Lottery Act.
32 Establish provisions for an election concerning a state lottery.
33 Provide for a nonbinding statewide vote on a state lottery.

LR

4CA Provide for repeal of Article III, Section 24, which limits gambling.
5CA Provide for establishment of a state lottery by the Legislature.

D. PAUL HARTNETT

LB

14* Political Subdivisions Group Self-Insurance Pool Act.

ELROY M. HEFNER

LB

13 Require certain nonresident businesses to provide information to Tax Commissioner.
15* Exempt occasional sale of farm machinery from sales tax collection requirement.
18* Reduce appropriations contained in LB 722, 1985.

ROD JOHNSON

LB

15* Exempt occasional sale of farm machinery from sales tax collection requirement.

VARD JOHNSON

LB

35*** Increase the income tax rate.

BERNICE LABEDZ

LB

16 State Lottery Act.
31* Adopt Nebraska State Lottery Act.

HOWARD A. LAMB

LB	
15*	Exempt occasional sale of farm machinery from sales tax collection requirement.
18*	Reduce appropriations contained in LB 722, 1985.

PATRICIA S. MOREHEAD

LB	
15*	Exempt occasional sale of farm machinery from sales tax collection requirement.

WILLIAM E. NICHOL

LB	
1**	Reduce appropriations as contained in LB 722, 1985.
2**	Change provisions for amounts to Highway Allocation Fund from vehicle sales tax.
3**	Change provisions for cigarette taxation.
4**	Increase the fee for driving record abstracts.
5**	Change provisions pertaining to driver education.
6**	Eliminate a certain homestead exemption.
7**	Change various provisions pertaining to child support collection and visitation.
15*	Exempt occasional sale of farm machinery from sales tax collection requirement.

JAMES E. PAPPAS

LB	
22*	Adopt Political Subdivision Budget Limit Act.

RICHARD PETERSON

LB	
15*	Exempt occasional sale of farm machinery from sales tax collection requirement.

R. WILEY REMMERS

LB	
15*	Exempt occasional sale of farm machinery from sales tax collection requirement.

CARSON H. ROGERS

LB	
15*	Exempt occasional sale of farm machinery from sales tax collection requirement.

LEE RUPP

LB	
15*	Exempt occasional sale of farm machinery from sales tax collection requirement.

LORAN SCHMIT

LB	
17*	Eliminate funding of Highway Allocation Fund from vehicle sales tax.
30*	Create the State of Nebraska Bank.

HAROLD F. SIECK

LB	
11	Increase income tax rate.

THOMAS VICKERS

LB	
17*	Eliminate funding of Highway Allocation Fund from vehicle sales tax.
30*	Create the State of Nebraska Bank.

JEROME WARNER

LB	
7A	Appropriation Bill.
8	Make appropriations for state expenses for 1985-86 fiscal year.
9	Make appropriations for capital construction projects.
10	Increase income tax rate.
28	Change income tax rate; establish tax setting duties by Board of Equalization.
35***	Increase the income tax rate.

DON WESELY

LB	
29	Change provisions pertaining to audits by political subdivisions.

* With others.
** At the request of the Governor.
*** With others and at the request of the Governor.

LEGISLATIVE BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS BY INTRODUCERS

BANKING, COMMERCE AND INSURANCE

LB	
14*	Political Subdivisions Group Self-Insurance Pool Act.

* With others.

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Chairperson - John W. DeCamp

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Constitutional Revision and Recreation

Chairperson - Lee Rupp

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Education

Chairperson - Thomas Vickers

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Chairperson - David Landis

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Judiciary

Chairperson - Peter Hoagland

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77-2709	A	34
77-2711	A	34
77-2715.01	A	28
77-2715.04	R	12
77-2715.05	R	12

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
77-27,132	A	2	77-3516	A	6
77-27,132	A	17	77-3516.01	R	6
77-27,147	A	34	79-2210.04	A	29
77-27,161	A	7	79-2644	A	29
77-3001	A	16	81-125	A	28
77-3001	A	27	81-1316	A	31
77-3506.01	R	6	84-304	A	29
77-3509.01	A	6	84-612	A	19
77-3509.02	A	6	84-612	R	12
77-3510	A	6	84-613	R	12
77-3512 to 77-3514	A	6	84-614	R	12
			84-1503	A	30

1984 Legislative Bills Amended or Repealed (SECOND Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 286A		R	8	LB 848A		R	8
LB 403A		R	8	LB 867		R	9
LB 416A		R	8	LB 880A		R	8
LB 457A		R	8	LB 930A		R	8
LB 466A		R	8	LB 931A		R	8
LB 470A		R	8	LB 970A		R	8
LB 477A		R	8	LB 976A		R	8
LB 478A		R	8	LB 981A		R	8
LB 516A		R	8	LB 990A		R	8
LB 724A		R	8	LB 991A		R	8
LB 751A		R	8	LB 994A		R	8
LB 761A		R	8	LB1001A		R	8
LB 767A		R	8	LB1089A		R	8
LB 801A		R	8	LB1106A		R	8
LB 825A		R	8	LB1125A		R	8
LB 832A		R	8	LB1126A		R	8
LB 833A		R	8	LB1127A		R	8
LB 835A		R	8	LB1129	18,21,26,27,	R	9
LB 845A		R	8	LB1129	29,30,37,43,	R	9
				LB1129	44,45,46	R	9

1985 Legislative Bills Amended or Repealed (FIRST Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 653A	4	A	3	LB 722	51,52,60,61,	A	1
LB 722		R	8	LB 722	51,52,60,61,	A	18
LB 722	1-16,18,19,	A	1	LB 722	51,52,60,61,	A	20
LB 722	1-16,18,19,	A	18	LB 722	63,65-68,	A	18
LB 722	1-16,18,19,	A	20	LB 722	63,65-68,71-	A	1
LB 722	21-27,29-33,	A	1	LB 722	63,65-68,71-	A	20
LB 722	21-27,29-33,	A	18	LB 722	71-74,76-80	A	18
LB 722	21-27,29-33,	A	20	LB 722	74, 76-80,82	A	20
LB 722	35,41,43-48,	A	1	LB 722	74,76-80,82	A	1
LB 722	35,41,43-48,	A	18	LB 722	82	A	18
LB 722	35,41,43-48,	A	20	LB 723		R	9

CONSTITUTIONAL AMENDMENTS

ARTICLE	SECTION	REPEAL OR AMEND	LR
III	24	A	5
III	24	R	4
VIII	13 NEW	A	2